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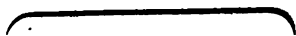
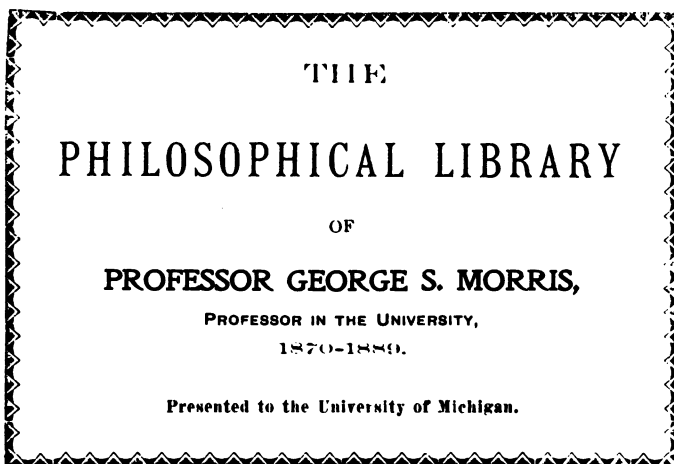
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Hegel's Theory of
right, duty & religion.

Translated, with a supp. essay,

By B.C. Burt.



~~Grad R.R. 3~~

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1892

G. W. F. HEGEL'S

1770-1831

THEORY OF RIGHT, DUTIES AND
RELIGION.

TRANSLATION, WITH A SUPPLEMENTARY ESSAY ON
HEGEL'S SYSTEMS OF ETHICS AND
RELIGION.

BY B. C. BURT,

Author of a "Brief History of Greek Philosophy;" Translator
of Erdmann's "Grundriss der Geschichte der
Philosophie des Neunzehnten
Jahrhunderts."

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TRANSLATOR'S PREFACE;

CONTAINING AN ESSAY ON HEGEL'S ETHICAL AND
RELIGIOUS SYSTEMS.

Of the work* of which the following is offered as a translation it may easily be said that, more than any other of the works of its author, it contains philosophic truth expressed in terms familiar to ordinary consciousness. Produced while its author was instructing beginning students in philosophy in a gymnasium, it is characterized by a form that is almost entirely without the difficult qualities of exposition universally attributed to the works of Hegel. The comparative simplicity and clearness of it as regards form render it, to a certain extent at least, a means of introduction to the more technical works of its author dealing wholly or in part with the same content or subject-matter†—for, notwithstanding its form, its content is largely speculative.

But the work has an independent value. It may be recommended as an excellent introduction to ethical and religious philosophy in general—not merely to Hegel's system. There may be said of it as a whole what Hegel's most hostile critic was constrained to say of a certain portion of it, *Es ist der gediegenste Gehalt in der körnigsten Sprache* (*It is the most sterling matter in the purest language.*) And it contains, as we shall see, some material, in subjective ethics or morality, not found in the other works of Hegel.

It happens that the work, notwithstanding its sterling character, is, in certain important respects, not exactly a characteristic work of its author, and should

**Rechts-, Pflichten-, und Religionslehre*, Part I of the *Philosophische Propädeutik*.

†The *Phänomenologie des Geistes*, *Philosophie des Geistes*, *Philosophie des Rechts*, *Philosophie der Religion*.

not be read or studied as such. It does not afford the reader or student sufficient data for the formation of a conception or opinion of the real Hegelian method and system. To supply as well as may be in a few pages such data—and so to supplement in a manner the present work as viewed in relation to Hegel's complete ethical and religious doctrines we—may give a brief outline and characterization of Hegel's ethics and his doctrine of religion, together with a comparison of the doctrine and method of the Theory of Right, Duties and Religion with that of the matured system.

For Hegel, as for the other real "heroes" of philosophy, the universe of existing things is logically self-determining; all oppositions in it are determinations of a single principle, viz., reason or Idea. The ideal and the real, subject and object, spirit and nature are, respectively, merely different phases of the sole principle, reason. These opposites, as having a common root, can not be absolute opposites but are in organic unity with one another, each virtually containing its other in itself, each being, like the whole of which it forms a part, the unity of opposites. The active essence, or method of activity, of all things is, accordingly, this union or reconciliation of opposites, is, technically speaking, dialectic.

Will, the subject of ethics, is preëminently a unity of opposites. It is not a mere subjective impulse nor a mere subjective idea but is in essence also the objectification or realization of these. As such it is essentially free or self-determining—is determined from within not from without. As immediate or merely individual and finite, it is only formally free. It is actually free only as filled with a universal content, a content supplied by thought. This content is not something alien to will but virtually contained in it and destined for it, so that in realizing it will is but coming to its true self. Filled with such a content, will transcends, or stands above, mere subjective inclinations and impulses. And

Preface.

yet, on the other hand, precisely because it is universal in its content, it does not ignore but embraces these—opposed to it though they at first blush appear—absorbs, as it were, the universal and truly objective tendency of these. This it does by the act of reflection, which compares the impulses that naturally present themselves—for impulse is relatively a *natural* existence—with one another and the nature of universal reason. As a result of the act of reflection the impulses are preserved in will in the form of the, universal because rationalized, impulse towards happiness, which, again, is something entirely in harmony with the *pure* will's self-determination since will includes its opposite in itself. But will as the *unity* of opposites must not merely be object as well as subject, but must be in a manner its *own* object—and indeed so is when filled with a universal content, since what is universal is identical as well as different, throughout. Only so is it *actually* instead of merely formally free. Will can be its own object only as, or if there be, a relation of wills, which therefore constitutes the condition of ethicality in general.

This condition is as immediately and objectively viewed a condition of what is merely a harmony of, in themselves, independent, individual, equal, abstract wills, which may be termed (legal) persons. Such a condition is the condition of right, or legality. It is a condition of universal will in its most abstract form, has as such no reference to inner disposition but concerns will only as individualized power. It is realized through the three “moments of (1) *property*, which is the simple, immediate manifestation of will, (or realization of will as a form of reason or Idea), (2) *contract*, which is the negation of merely individual will and the manifestation of a “common” will. (3) *injustice* or *wrong*, the negation of the negation of the merely individual will and the manifestation or affirmation of a truly universal will. Property is, (1) in its immediate, or primary form, *possession*, which must

have been *taken* (either by bodily seizure or covering, by formation, or by designation); (2) in its simplest negation, it is the limited *use* of a thing (the thing used returning into the possession of its owner either as it is in its original form or a thing of the same kind or a thing of the same value); (3) as negation of this negation, and hence as the annihilation of property as an immediate or individual thing subserved under a particular will, it is the *relinquishment* of a thing. Property is relinquished, and passed to another, by *contract*, which is in essence a mutual agreement of two wills by which one is bound to deliver and the other to accept, some individual property. In contract each will both affirms and negates itself, a contradiction the result of which is merely the production of a "common" (but not yet universal) will in the place of the merely individual wills previously existing. Contract involves, (1), a *promise* and its *acceptance*, the formal statement of which is the *stipulation*, and constitutes the 'substantial' or essential side of the contract; (2) an individual *possession*; (3) *the performance* of the thing stipulated. As to kind, contract is either formal (gift-contract), real (exchange-contract), or [accessory] (warranty-contract); each of these kinds having several varieties according to the nature of the subject of contract. Contract is of a contradictory, contingent nature, and so an imperfect manifestation of (universal) will, in that (1) the wills united in the contract are, as being merely wills of finite individuals, more or less arbitrary; (2) the common will expressed is, because merely common, abstractly universal; (3) the subject of the contract is an individual external perishable thing. Owing to the contingency of its moments in themselves contract is subject to violation, is a cause or condition of *injustice*, or *wrong*. This is either (1) *unconscious wrong*, (2) *fraud*, (3) *crime*. In unconscious wrong there is in question merely the right, of a particular (legal) person as against another particular (legal) person, both persons having full

respect to the right as such or *qua* right. In fraud, the simple negation of unconscious wrong, a conscious violation of the real right of one person by another is perpetrated under the cover of the (mere) appearance of respecting the right as such. Crime, the negation of the negation of wrong, is the open or evident and conscious violation of the acknowledged right of an individual and hence of the right as such. Since crime is as such the act as well as the violation of rational, self-determining, or simply, of will—idiots and children do not possess legal will and can not be criminals—the commission of crime is a virtual entrance into a contract to suffer a violation of the sort committed or equivalent to it, i. e., to receive *punishment*; the criminal destroys his own will in violating the universal will or right. The object of punishment, which is of the nature of retaliation, though not of mere revenge, cannot be merely the reformation of the criminal nor the deterring of others from crime, but is the realization of the notion of conscious self-determination and the negation of its opposite.

Crime, though the complete negation of right and also of the violation of that and thus in so far complete nullity, nevertheless has this point of superiority to mere right—that it makes explicit the dependence of the sphere of right or objective will, upon that of subjective will, and shows thus the existence of the reality of *morality*, or will that is purely as such its own end. That is to say, if, on the one hand, the individual realizes its nature only in union with other individuals, that union is not merely abstract and formal, but is rooted in the acts of those wills individually as a law, each, to itself, so in the agreement of each concrete will with itself—i. e., morality. The sphere of morality is, as compared with that of right, primarily subjective while that of right is primarily objective. In morality the subject is for himself, or consciously, what in right he is only virtually. The morality of an action lies in (1) the inner intention—morality in its

immediate form; (2) the outer intention; (3) the union of the two. In so far as the individual will is free in itself and independent of all else it asserts a claim to be viewed in reference to itself as ideal, not to anything else, hence to be held responsible for only that in its outward acts which it consciously intends. But an act as objective, or as a part of a world outside the subject, may be something more than is contained in the inner as such, has, for example, consequences not immediately contained in the intention. For these consequences as well as for the inner intention the subject as rational being, capable of forming a judgment beforehand as to these, is responsible. But, on the other hand, he has a certain right in these consequences, he has a right to find his satisfaction and welfare in them as parts of a rational order, though he can not morally make that satisfaction or that welfare his *end*. The complete content and the truth of what is (rationally) willed, the union of the internal and external intention, including the incidental satisfaction of impulses and welfare, is the *good*. The good is (1) in its mere notion an indefinite ideal to be striven towards—it is abstract duty, the object of what is called conscience; (2), it is a conflict of such ideals, or duties, the simple opposition of good and evil; (3), and since for the actualization of the ideal, it is requisite that this conflict be decided, or that the immediate good and the evil rising out of it be harmonized, the good is the express opposition, and so relative unity of good and evil. As long as the good is a mere ideal and unable to realize itself in opposition to the evil, it is a possibility of evil and is only formally different from that. The mere good conscience is, as compared with actual good, a form of simulation of the good—a sort of hypocrisy—and, on the other hand, ordinary hypocrisy, which is denounced as evil, contains the good element that it asserts the ideal reality of the good. The irony of a Socrates is an example of the inner union of the good and the evil making itself manifest

in the merely subjective sphere. The real harmony of the two, actual concrete good, which contains in itself evil overcome and transformed, is not to be found in the subjective sphere but in the subjectivo-objective—the world of ethical institutions, the family, civil society and the state.

In the Ethical World, the individual as concrete subject is not lost to himself, but arrives at identity with his true substance, in the objective realization of his inner individuality; while on the other hand, the abstract ethical universal, the good, receives the actuality that mere conscience in vain claims for it. The substance of the ethical World, instead of being alien to that of the individual, is in reality that of the individual himself in an expanded form. As his essential development has thus far been a separation from external nature merely as such, with which he was originally one, so now it consists in the entrance into and union with a new, higher nature: what should be also is as far as he is concerned, duty is a spontaneously accepted and realized law of his being. Ceasing to be a mere accident he is identified, identifies himself, with the universal ethical substance thereby possessing *virtue*. So doing consciously and willingly he possesses the ethical *disposition*. The relations of the individual to the universal ethical substance constitute the matter of his *duties*. The attribute of one fulfilling these is *probity*. The universal ethical substance is (1), in its immediate or natural form, the *family*; (2) as the relative totality of the ~~relations of individuals as independent concrete~~ persons (not merely abstract persons such as mere right contemplates), or persons as distinguished by the possession of different interests and means of satisfying them, to one another in a formal universality, it is *civil society*; (3) as a concrete universal and organic reality, it is the State. I. The members of the family, instead of being related to one another as independent legal individuals, form all together but one

legal person. The conception of the family involves; (1) marriage, which is primarily a spiritual relation instead of natural or a legal one as it is made to appear in abstract discussions of it, and which is ideally monogamic, since a free self-determining individual can be object to itself in marriage only as united to a single other like individual; (2) a fortune or property which ideally is a common possession of the family though managed by the head of the family; (3) rearing and education of the children to independence, and the dissolution (through divorce, the attained majority of the children, and death) of the family.

II. Civil Society as a formal, or somewhat arbitrary, though an externally necessary, and a salutary, union of independent concrete persons involves (1) a system of wants and of means of supplying them, (2) the protection of property by a system of judicial administration, (3) a police system and industrial corporations. The multiplication and refinement of wants in society have as a consequence the division or specialization of labor (resulting in increase of industrial skill and of mental and moral culture), the increase of wealth and the organization of society into ethically different classes, viz.; the substantial, i. e., agricultural, the reflective, i. e., the industrial, and the universal, i. e., intellectual classes. The ethical attributes especially prominent in the classes are class-honor and probity. The administration of justice has at its end the protection of concrete persons in their rights, particularly their property rights; it does not as all concern disposition. It involves the existence of law before which—it is merely tautological to say—all men are equal, the fact of the law's being generally known since free responsible will must have knowledge as its basis, and the existence of public or open courts of justice (with trial by a jury of one's peers), as right individualized. Police and corporations have their necessity in the very fact that Civil Society is merely a formal and external union of concrete

persons. The police system depends directly upon the higher authority of the state. Its province is that of the general, while that of the industrial corporations is that of the particular, interests; the satisfaction of which is the end of that external union which Civil Society as such is. As the family is only a partial manifestation of the universal ethical substance, as being founded on feeling and thus subjective, so Civil Society is but a partial manifestation of that substance because founded on the (abstract) understanding and too merely objective. III. The full manifestation of the ethical substance occurs in and as the State, which is a union founded in reason as the synthetic unity of love and understanding (internality and externality) and it thus includes in itself the principles of the Family and Civil Society: the State is the 'complete "self-conscious ethical substance." It is the substance of the individual developed into the organic unity of many individuals. Life in it is the realization of the ideal end of the individual's existence. The state is the manifestation of the universal, not merely a 'common,' will. It logically transcends and is independent of any mere compact founded on the arbitrary volition of individuals. The logical moments of the state are (1) an inner law or constitution relating to the state in itself; (2) an external law relating to the state as an individual among others of the same kind; (3) itself as a moment in the historical development of the world, or an embodiment of the spirit of humanity in general. (1) The inner constitution of the State has, first, the two aspects of an articulated system of powers and a solid or single unity of being. The powers of the inner constitution are,—a legislative power, an administrative and executive power, and a power of ultimate decision, or a centralizing, individualizing power. The ideal form of constitution is that of the so-called constitutional monarchy,* a form

* In the *Philosophie des Geistes*, (1830) greater emphasis is laid upon monarchy and less upon constitutional than in the *Philoso-*

of constitution peculiarly modern and uniting in itself the truth of the ancient incomplete forms of simple monarchy, aristocracy, democracy: Its excellence lies in the fact of its full recognition and actualization of the notion of free subjectivity. The distinctive characteristic of the legislative department of the government is that it especially represents the element of subjective, formal freedom, the ideas and interests of the mass of the people. The basis of representation cannot properly be found in abstract citizenship but must be found in political intelligence and membership of some of the regular classes involved in the nature of society. "Public opinion," though in one sense expressing the eternal substantial principles of justice may yet, again, be contingent, superficial and unsafe as an index to true political welfare. The contingency of the legislative class is in part offset by the special intelligence necessary in the administrative-executive class. The ethical personality of the individual state culminates in the single will of the monarch, who is the embodiment of the idea of the state as an individual. As such embodiment the monarch possesses the power to declare peace and war and to conclude treaties with other individual states. (2). The relation of a state to other states is a relation between individuals above whom there does not stand a visible higher authority, hence a possible relation of violence and even war. War has an ethical value as teaching individual persons the lesson of the necessity of sacrificing particular interests for the sake of the good of the state as a whole. (3). Since the relation of states is of the character just described, the merely national idea and spirit is a finite one, one that is, in fact, transcended by the developing history of humanity as a whole. This history is a progressive manifestation of will, or the gradual self-realization of the

phie des Rechts (1830). See Michelet on Hegel's Philosophy, in his *Philosophie des Geistes* (pp. 646-647).

notion of freedom. Freedom first appears—in the Oriental world, comprising China, India, the Persian Empire (including Arabia, Judæa, and Egypt)—as an abstract universal principle, because an attribute of one sole individual, the Sovereign; secondly it is—in the Græco-Roman world—an abstract-concrete universal, in that *some* or many (but not all) are free; thirdly, it is—in the Germanico-Christian world—a concrete universal, in that all are free. The national spirit of China is that of a natural ethical unity, like that of the family,—the state being, as it were, an immense family, of which the emperor is the head. That of India is the spirit of caste, in which the abstract universal subsumes under itself various independent ethical existences united only by a species of phantasy and as in a dream, not yet by reason or even understanding. In the Persian Empire freedom appears as a struggle of the good and its opposite, as an exertion of positive thought upon a matter foreign to it. In Greece freedom is an attribute possessed by many individuals but not separating them from one another or from the universal life; in Rome it exists in the form of the existence of the individual under a law and an authority that are recognized as distinct from the natural ethical substance of the individual as such. In the Germanico-Christian world freedom is an attribute identified, by thought, with the nature of all individuals. In the Germanic world the moments of freedom (the right and the moral) exist first in undifferentiated unity,—premediæval history; secondly they are independent of one another, as the bases of two forms of universal life (State and Church),—mediæval history; thirdly, they are reconciled,—modern history, which accordingly is the highest manifestation of the notion of freedom or will yet reached.

The ethical sphere as a whole, comprising, as we have just seen, the spheres of right, morality, and ethicality proper, is as the sphere of practical, as opposed to theoretical, or cognitional, consciousness, the sphere

of objective spirit. The spheres of objective and subjective spirit are even as such identical to a certain extent, in that the former depends upon and so contains, the latter partially at least within itself. But they are also further identical in that the former once in existence becomes object to the latter, is known by it. But this consciousness of the realized practical sphere is, since that sphere is a product and form of consciousness, a form (and that the highest) of *self-consciousness*, or consciousness of consciousness. This consciousness which embraces both theoretical and practical consciousness is absolute consciousness or reason, and is as such a consciousness of the Absolute, or God. Of the absolute consciousness there are the three moments—(1), *Art*, in which the absolute is manifested or presents itself in sensible intuition, both objectively and subjectively viewed, (2) *Religion*, in which it is an object (and also subject) of insight and faith, (2) *Philosophy*, in which it is object and subject of pure thought. Religion (with which alone of these we are here concerned) may be viewed as to (1) its mere notion, (2) its finite forms, (3) its absolute form. As to its notion,—religion is man's consciousness of God, which is also the consciousness of God Himself in man in the forms of feeling, non-sensible representation, limited reflection, worship. It is the thought of God in a form comprehensible by all men alike (in this being distinguished from philosophy, which is that thought in a form that is strictly scientific and accessible only to the trained few). It is not wholly above and independent of ethicality, i. e., rights, morals, and life in the state, since it includes these in itself as moments, lending them its sanction; but it is *primarily* (1) absolute knowledge, in the forms of (2) feeling, imagination and finite reflection, in which the absolute is distinguished from the subject, (3) cultus, or worship, including self-abnegation in all forms (in which there is complete union with God). This general notion appears in various limited forms in certain of the his-

torical religions of the world—though the moments of the notion are not merely historical but logical moments. These religions represent the possible different stages of unity of the finite and the infinite, all religions as acts of rational faith, having as their aim the canceling of the opposition of these two terms. The immediate or simplest union of the finite and the infinite, the human and the divine, appears in the natural religions, which identify God with nature, and have as their logical basis the so-called “cosmological proof” of God’s existence or proof of it from the contingent or independent nature of the world. Natural religion is (1) immediate natural religion,—the religion of magic and fetichism (African “religions”); (2) the religion of disrupted natural consciousness—including the “religion of measure” (the Chinese), the “religion of phantasy” (the Brahminic), the “religion of mere being-in-self” (the Buddhist); (3) the “religion of transition to spiritual individuality,”—including the “religion of light or the good” (the Zoroastrian religion); the “religion of pain” (the Syrian); the “religion of enigma” (the Egyptian). Logically succeeding natural religion is that in which the divine is represented as subject or spirit, and which has as rational basis the so-called “teleological proof” of God’s existence, or proof from the symmetrical order of the world,—the “religion of spiritual individuality.” Here belong the “religion of sublimity” (the Jewish), the “religion of beauty” (the Greek), the religion of utility and understanding (the Roman). The union of the principles of natural religion and the religion of spiritual individuality, namely, substance and subjectivity, gives the standpoint of absolute religion (the Christian), the logical basis of which is the so-called “ontological proof” of God’s existence, or proof from the very idea of Him; the necessary idea including in itself both substance and subjectivity, object and subject. As corresponding to, and even in part, identical with, our necessary idea of Him, God is triune: He is

(1) the essence, substance, inner thought of all things,—the Father; (2) the unfolded essence, the plurality of thoughts, the attributes of things—the Son; (3) the union of these, the resolution of all distinctions and reflection-into-self,—the Holy Spirit. From His triune nature (in man) flow the three distinctive facts of religious consciousness (on its subjective side) viz., innocence or a state of nature, evil or “falling-away” from God, and redemption, which the ordinary religious imagination has falsely treated as merely historical or temporal occurrences, but which a true cultus, or form of worship, symbolizes (and at the same time realizes) as *eternally* occurring in the life of the spirit. Though the dogmas of the Church belong to the external form rather than to the substance of religion, as absolute truth, they are practically necessary; to discard them, if that were possible, would be practically to deny, as the abstract rationalist does, the substantial unity of human and divine consciousness. Rightly understood, they are expressions of the truth which in philosophy appears as pure reason, namely, that of the unity of the finite and the infinite, of substance and subject. Miracles have in themselves no demonstrative value; the only “witness” of spiritual truth is that of spirit itself. The notion of the miracle, pure and simple, in fact, violates not only that of nature, but that of freedom since if I am to be a free cause I must have real ground for confidence in the occurrence of the pre-supposed effect of my action.

We may now, before proceeding to the characterization of Hegel's ethical and religious doctrine, compare by means of the foregoing outline his doctrine as presented in the *Theory of Right, Duties, and Religion* with it as given in his matured system. And first as regards content. The *Philosophy of Right* (containing the fullest exposition of Hegel's ethical doctrines) contains discussions of property as use, and wrong as fraud, to which there is nothing corresponding in the more elementary work. Its entire

section on Civil Society is without an analogue in the *Theory of Right, Duties, and Religion*. There is in this latter work no suggestion even as to that world-right under which all states exist and receive their deserts in the world-judgment which the process of history is. On the other hand, the *Theory of Right, Duties, and Religion* finds place for the somewhat detailed discussion of the private virtues moderation, veracity, etc., which the other ethical expositions of Hegel leave untouched—a fact that causes the appearance (at least) of a certain difference as to point of view between the more elementary and the more mature exposition.*

*In fact the standpoint of the present work seems more nearly related to those of Kant & Fichte than does that of the final form of Hegel's system. In the earliest form of his system Hegel expressly asserts that the private virtues have, precisely because private, no place in ethics as the science of the universal human good. A brief sketch of that earliest form will be of interest here. According to it ethicality (*Sittlichkeit*) must unite the universal and the particular consciousness. It has three moments; (1) that of the subsumption of the particular under the universal,—relative ethicality; (2) that of the subsumption of the universal under the particular—negative ethicality, crime; (3) adequacy of particular to universal and *vice versa*, absolute ethicality. Under the first of these heads falls the discussion of natural needs and their satisfaction, of property, exchange, money, contracts, lordship and servanthip, the family, which last is regarded as the summit and ideal totality of natural ethicality. Under the second of the above-given heads are discussed crime, conscience, punishment or avenging justice; the stages of criminal negation being given as (1) natural destruction, devastation, (2) theft, robbery, (3) murder, revenge, combat (war). Under the third head are discussed as being the parts of the ethical organism (1) a system of classes ((a) absolute or universal class, (b) class of probity, commercial class generally, (c) class of raw ethicality, or agricultural class), and (2) active causal ethicality as government (the branches of which are (a) system of needs (b) of justice (c) of education. This earliest Hegelian ethical system is modeled somewhat after the Platonic, and is decidedly Hellenic in that it attaches so little importance relatively to the individual and subjective and so much to the universal and objective. In this system the individual is in the universal just as for Spinoza the mode is 'in' God.

In form and method the difference between the elementary and the mature expositions is still more marked. In the mature, fully systematic exposition the family and the State are separated entirely from abstract right and morality and, together with Civil Society, constitute the sphere of ethicality proper, (*Sittlichkeit*): in the *Theory of Right, Duties, and Religion* there is no discussion of ethicality (*Sittlichkeit*), or the good as realized in institutions, as a thing distinct from morality, or goodness as inner disposition, and abstract right, and as logically including them as moments. The method (in the more technical sense of the term) of the *Theory of Right, Duties, and Religion* is the abstract and dogmatic, alone, according to Hegel, suited to the purposes of elementary instruction in philosophy:* it is a method in which individual truths are stated as independent and self-contained, not as passing by an inherent impulse into their opposites to become united and reconciled with them and so leading to truths of higher order. The method of the *Philosophy of Right* and of the *Philosophy of Spirit* (in which necessarily ethics comes up for treatment) is the concrete and speculative, or dialectic, in which, precisely, all truths are, in principle, exhibited in their inherent inter-relations, as well as in themselves, and as *moments* of a single highest and all-inclusive truth. This difference of method is doubtless the most important of all those here in discussion. As to the difference between the discussion of religion in the present work and complete treatment of the subject by Hegel it is sufficient to say merely that the former is just a brief statement of the nature of religion in its mere notion, not at all a treatment of it as to its historical development or its absolute form, which by the dialectic method would be required.

Coming now to the (brief and necessarily rather

*See Hegel's letter to Niehammer (the Bavarian Minister of Education) on philosophy in the German gymnasia, Wks., vol. xvii., pp. 322-348.

formal) characterization of Hegel's systems of ethics and of religion—which it is rather difficult rightly to give without merely repeating the theorems of the systems themselves—we notice, first, as the most important item, the fact of the steady endeavor to avoid the abstract and to discover and establish the concrete as regards human action and human faith; to steer the right course, between—in ethics—the Scylla and Charybdis, respectively, of right as a relation of mere things and right as a relation of mere “persons,” mere Eudæmonism and pure rigorism, or asceticism, mechanical determinism and capricious libertarianism, mere individualism and abstract individualism whether in right, morality or ethicality—in religion—of abstract naturalistic rationalism and supranaturalistic pietism, deism, so-called, and simple or pure pantheism, pure Catholicism and extreme protestantism. The endeavor spoken of may easily be illustrated with almost any of Hegel's particular doctrines; it is unnecessary to specify here. It has to be noted, secondly, that the system of Hegel attempts to avoid the errors of method inherent in intuitionism, on the one hand, and empiricism, even though reflective, on the other; to arrive at the concrete not by a happy speculative leap, as it were, but by a real method, and a method, too, quite distinct from the subjective mechanical striking of an average between extremes,—the method, namely, of dialectic in, or according to, which not we, but things themselves, determine the concrete, the unions of opposite, that naturally and necessarily exist. Thirdly, while it may perhaps fairly be claimed that on the whole, the endeavor spoken of above is successful, it is not to be denied that there is a certain tendency to abstract objectivism and logicism. This appears in the fact, for example, that certain professed followers of Hegel (e.g. Rosenkranz and Michelet) have felt it necessary to supplement the Hegelian ethical system by additions to it in the sphere of morality. The same tendency is perhaps shown in the fact that

the family is treated by Hegel as an ethical rather than a moral entity, though, of course, it is not exclusively either. It appears also in the fact of the non-independence, in Hegel's system, of the departments of the state, or rather too close interdependence of executive and legislative departments, and in the fact of the hereditary nature of the right to supreme headship in the government. And, finally, it appears in a certain underrating of ordinary intelligence implied in the assertion that philosophy is only for the few and religion is necessarily dependent upon certain historical dogmas interpreted (not literally, it is true, but) symbolically. Fourth, the ethical teaching of Hegel has been criticized as lacking in precisely the distinctive characteristic of ethical truth in that, as is asserted, it ignores the ethical imperative, putting in the place of it ethical history and phenomenology. The criticism appears both true and false. Hegel certainly does—and of principle—ignore the imperative spoken of. The truth is, according to him, not outside us but within us as well, and so instead of a mere "imperative" inciting us to the performance of duty we have a spontaneous impulse of spirit itself leading us to that performance,—duty being a thing that lies directly in the path or line of the spirit's self-development. Hegel's statement of ethical truth in the form of a logical development of ideas (instead of a body of dogmatic precepts) is the very strongest possible appeal to the sense and impulse of self-development in us. The notion or absolute spiritual truth realizes itself in us under the genial influence of internal light and of sympathy rather than under that of a sense obligation and dependence on authority. The criticism here in question appears to proceed from a standpoint that overlooks the very essence of spirit as determining itself from within, or as self-determining. Finally, viewing the system of Hegel genetically, it may, broadly speaking at least, truly be said that, in ethics and the doctrine of religion as in logic, it fulfills the claim put

forward by it that it embraces in itself the main truths of earlier systems. In ethics it is the union of the distinctively modern (Kantian) and the distinctively ancient (Platonic) standpoints, giving a certain preponderance to the latter, the standpoint of concrete objectivity, over the former, the standpoint of subjectivity. In the doctrine of religion it is, on the other hand, a union of ancient (Aristotelian) and modern (Christian) standpoints in which a preponderance is allowed to the modern standpoint. The method of the system Hegel owed in large measure to Fichte.*

*The following is a list of works that may, in addition to Hegel's own works, profitably be consulted upon Hegel's ethics and doctrine of religion; *Hegel's Philosophy of the State and of History, an Exposition*, by Professor George S. Morris (Grigus's Philosophical Classics"), *Lectures on the Philosophy of Law*, by James Hutchison Miller (Journal of Speculative Philosophy, Vols. 6, 7, 8), Prof. Jodl's *Geschichte der Ethik in der Neueren Philosophie*, Vol. II., pp. 104-119, 151-158; *Georg Wilhelm Friedrich Hegel's Leben beschrieben durch* Karl Rosenkranz (pp. 124-141), *Hegel und Seine Zeit*, by R. Haym (Lectures XII. XV. XVI), *Hegel as a Publicist* (Translated from Rosenkranz, Jour. Spec. Philos., Vol. 6), *Religions-philosophie auf geschichtlicher Grundlage*, by Dr. Otto Pfleiderer, Michelet's *Geschichte der letzten Systeme der Philosophie in Deutschland von Kant bis Hegel* (Vol. II, 774 et seq. 1), *Die Entwicklung der deutschen Speculation seit Kant*, by Prof. J. E. Erdmann, (Vol. II, pp. 797-812, 822-841), Dr. W. T. Harris's translation, with notes, of the present work (Journ. of Spec. Philos., Vol. 4).

INTRODUCTION.

[INTRODUCTION.—§1. Subject of the treatise—the Human Will. §2. Consciousness and its objects. §3. Consciousness as Theoretical and Practical. §4. General nature of Action. §5. Impulse and Will proper distinguished. §6. The Moments of Will. §7. Abstract Freedom of the Will. §8. Moments of Moral Responsibility. §9. A Deed as Distinguished from an Action. §10. Free Will as Universal. §11. Arbitrary Will. §12. The Absolutely Free Will.

EXPLANATIONS TO THE INTRODUCTION.—(1) *Abstraction and its products—Sensible Perception—Immediate and Mediate Concepts—Analysis.* (2) *Sources of Knowledge: Experience (including testimony)—As distinguished from thought—As external and internal; Knowledge through the Notion.* (3) *Consciousness of Consciousness, or the Ego.* (4) *Theoretical and Practical Consciousness discriminated—Attention.* (5) *Imagination and products of it (particularly language).* (6) *Thought and its products—Universal and Necessary determinations of thought: Matter and Form, Ground and Consequence, etc.* (7) *Spirit the Source of Form.* (8) *Action as the Transition from the inner to the outer world.* (9) *Moments of Action.* (10) *Action from Impulse—Instinct—Moments of Impulse.* (11) *Action from Reflection—Relative Reflection.* (12) *Absolute Reflection—Practical Absolute Reflection.* (13) *The Absolute Indeterminateness of the Ego—As a Condition to Choice.* (14) *Freedom of the Will as Freedom in General and the Substance of All Other Kind* of Freedom.* (15) *Determination of Will as Distinguished from Determinations of Nature.* (16) *Responsibility and Imputation.* (17) *Deed and Action Distinguished as regards Imputation.* (18) *The Universality of Will in its Significance.* (19) *Arbitrary Will as Formal Freedom Since Relating to What is Merely Limited.* (20) *Absolutely Free Will as Will that has Itself as its Object—Distinguished from mere Particular Self-Will.* (21) *Pure Will Independent of Particular Ends Except as Means to Its Self-Realizations—Education as a Means of Pure Will.* (22) *The General Nature of the Right—As Related to Inner Intent, to Conviction, to Disposition.* (23) *The Right and the Moral Distinguished—Welfare—Pleasure—Happiness—Felicity.* (24) *The Will in a Religious Point of View.*]

§1. The subject of the present theory is the human will, and that as respects the relation of the particular to the universal will. As will, the mind

is practical in its activity. The practical activity, whereby it introduces determination into indeterminateness, or in the stead of determinations present in it without its coöperation produces others, from itself, is to be distinguished from its *theoretical* activity.

§2. Consciousness in general is the relation of the ego to an object, inner or outer. Our knowledge contains, on the one hand, objects that we cognize through sensible perception, and, on the other, objects that have their source in the mind itself. The former constitute the *sensible*, the latter the *intelligible*, world. The notions of Right, Morals, and Religion belong to the latter.

§3. In the relation of the ego and the object to one another the ego is (1) *passive*, and the object the cause of determinations in the ego. In this case the determinate ideas which I have in me arise from the fact that objects immediately present make an impression upon me. This is the *theoretical* consciousness. Whether it act as *perceiving* or as *imagining* or as *thinking* its content is always one that is already given and ready-made, and in thought it is being *per se*. (2) On the contrary, the ego appears as *practical* consciousness when the determinations of the ego not merely are determinations of its presentative faculty and its thought, but are to appear in external existence. Here I determine things, or am the cause of changes in given objects.

§4. The practical faculty determines itself in general from within, from itself. The content of

its determinations belongs to it, and it apprehends them as its own. These determinations, however, are at first merely internal, and therefore separate from the reality of externality, but they are to become external and to realize themselves. This occurs through *action*, whereby the external practical determinations acquire externality, i. e., an external existence. Conversely, we may say that a present externality is canceled and assimilated to the internal determination.

§5. The internal determination of the practical consciousness is, now, either *impulse* or *will proper*. Impulse is a natural self-determining, which depends upon limited feelings and has a limited end beyond which it does not go, or it is the unfree, immediately determined, *lower faculty of desire*, by virtue of which man is a natural being. By *reflection* he transcends impulse and its limits also. By it he compares not only impulse with the means of satisfying it, but also the means as well as the impulses with one another and with the ends of his being, and, according to the conclusion reached by reflection, either surrenders himself to the satisfaction of the impulse or else restrains and denies it.

§6. Will proper, or *the higher faculty of desire*, is (1) pure *indeterminateness* of the ego, which (indeterminateness) has as such no limitation nor any content immediately by nature present in it, and is in itself indifferent to every determinateness; (2) I can, however, pass into a determinate state and make some one or other determination my own, and then translate it into reality.

§7. *Abstract freedom* of the will consists, therefore, in that determinateness of the ego, or identity of it with itself, in which there is a determination only in so far as the will makes it its own, or takes it into itself, though in so doing it yet remains identical with itself and can abstract from every determination. There may indeed be presented to the will *from without* incentives, motives, laws of various sorts, but if man follows these, this occurs only in so far as the will itself makes them its own and has decided itself thereto. This is also the case with determinations of the lower faculty of desire, or that which proceeds from the *natural* impulses and inclinations.

§8. The will is subject of *responsibility*, (1) in so far as its determination is made its own by *itself* alone, or there belongs to its decision the consciousness "*I have willed;*" (2) in so far as a will is *conscious* of the determinations that are executed by its act as that act lies in its decision, or which are necessarily and immediately conjoined with the act.

§9. A *deed* is in general the change and determination produced in external existence. But to the *act* belongs only that in the deed which is contained in the decision or was in consciousness,—which accordingly the will acknowledges as its own.

§10. The free will as free, is, further, not confined to the determinateness and singularity whereby one individual is distinguished from another, but it is universal will, and the individual is, on the side of his pure will, a universal being.

§11. The will may, indeed, take to itself a

variety of external content, i. e. a content not proceeding from its own nature, and make it its own. In so far it remains identical with itself in form, that is, it is conscious of being able to abstract again immediately from every content and to restore its purity; not, however, as regards content and essence. It is *in so far* in general merely *arbitrary will*.

§12. B₁ that the will be *truly* and absolutely free, what it wills, or its content, can be nothing other than itself. It can will only in itself and have only itself as object. The pure will wills no particular content for the sake of its particularity. but in order that the will as such may in its action *be free* and become emancipate, or that the universal will may come to pass.—The more precise determination and development of this universal principle of the will is given by the Theory of Right, Duties and Religion.

*Explanation to the Introduction.**—(1.) Objects are the particular things which they are by virtue of their *attributes*. A sensible object, for example, by virtue of its figure, size, weight, color, the more or less solid coherence of its parts, the purpose for which it is used. Now if we take away in thought the attributes of an object, we call this *abstraction*. There remains a less determinate thing, or an *abstract object*. If I take away in thought only a single such determination, this is an *abstract concept*. The object left in the completeness of its determinations is called a *concrete object*. If I abstract from *all* determinations, there remains merely the concept of a

* The numbers of these run independently of those of the preceding paragraphs.

wholly abstract object. When we say *thing*, we mean, indeed, something definite, but we speak of something wholly undetermined since it is our thought that makes a real thing this abstraction of a mere thing.—*Sensible perception* is partly external, partly internal. By external perception we perceive things which are in time and space without us, and which we also distinguish from ourselves. By internal perception we are aware of the states of our body and of our soul. One part of the sensible world contains such objects and their determinations, as, for example, colors, underlying which is a sensible object, and which have received a spiritual form. When I say, This table is black, I speak of this single concrete object, and, again, the predicate black which I express is a universal which belongs not merely to this one object but to many objects. Black is a simple concept. Of a really concrete object we know *immediately*. Immediate consciousness is *intuition*. A universal abstract concept, on the contrary, is a *mediate* concept, because I know of it through the medium of another, namely, through the abstraction or the removal of other determinations that are combined with it in the concrete object. A concrete concept is *analyzed* when we separate the determinations that are combined in the concrete. The intelligible world receives from the mind its content, in general pure universal conceptions,—as being, nothing, property, essence, and many others of like nature.

(2.) The first source of our knowledge is *experience*. To experience it is essential that we *ourselves* have perceived a thing. A distinction must be made between perception and experience. Perception contains primarily only a single object, which may be at one time of certain contingent nature, at another, of another. If now I *repeat* the perception, and in the repeated perception note and fix just that which remains self-identical in all these perceptions—this is an experience. Experience comprises *laws* chiefly, *i. e.*, a conjunction

of two phenomena such that if one occur the other always follows. But experience contains only the universal element of such a phenomenon, not necessity of connection. Experience teaches only *that* a thing happens in a certain manner and *how* it happens, but not the *grounds* or the *why* of its happening. —Since there are very many objects of which we ourselves can have no experience, *e. g.*, the past, we must depend upon the *authority* of others. And those objects which we believe in on the authority of others are objects of experience. We *believe* what rests upon the authority of others, which is *probable*. We often regard as probable what really is improbable, but *precisely the improbable is often the true*. (An occurrence is authenticated chiefly through the consequences and the manifold union of circumstances of which we ourselves have had experience. Persons who relate anything must have *trustworthiness*, that is, must have been in circumstances such that they were able to have knowledge of the fact related. From their tone we can judge as to their honesty, whether they are sincere or have any self-interest in the matter. When authors writing under the government of a tyrant eulogize him, we view this as flattery. On listening to one relating an occurrence in which he himself was concerned we are likely to hear him relating something to his advantage. We must rather believe what one says who praises highly his enemy for some good quality or action).—Experience, then, teaches only how objects *are* conditioned, not how they *must* or *should* be conditioned. This knowledge is derived only from the *essence* or the notion of the fact. The fact alone is the true. Since we become acquainted with the grounds of the object through the notion, we must know the notions of legal, moral, and religious determinations.—In determining what is right and good we may first, confine ourselves to experience in general, and, to begin with, to *external* experience, the *life of the world*. We may observe what obtains as right and

good, or what is observed as right and good. On this point it is to be noted: (1) that in order to know what actions are right or good and what are wrong and bad we must have *pre-supposed* the notion of the right and good, and (2) that if we should confine ourselves to what the life of the world shows to be valid, we should reach *no definite result*. In considering the result or the experience that one has had, the point of view one occupies is a determining factor. In the life of the world every one may find, since it is such a diversity of occurrences, support for his subjective point of view be it ever so different from others,—But there is, secondly, also an *inner* experience of the right, the good, and the religious. We judge by our *hearts* or *feelings*, that a certain form of action is good or bad; we have also a feeling of religion—we are religiously affected. What feeling declares in *approbation* or *disapprobation* contains merely the immediate verdict or the assurance, that a thing is or is not so. Feeling presents no grounds, does not deal in grounds. The sort of feeling that we have, whether approbation or disapprobation, is merely an experience of the heart. But feeling is in general *inconstant, changeable*. It is at one time disposed in one way, at another in another. Feeling is in general *subjective*. As an object is in feeling, it is merely in me as a particular individual. When I say I feel thus or so, or there is such or such a feeling in my heart, I say that what is felt is as felt, only in me. I leave it undecided whether it is in others as in me. When I appeal merely to feeling as regards a thing I do not intend to concern myself with grounds, and hence not with the universal. I then fall back upon myself and only state how the feeling is in me, not how it is in and for itself, objectively and universally. The *objective*, or the universal, is the rational, or the notion.—To know truly what a rose, pink, etc., is, or to conceive its notion, one must first conceive the higher notion that underlies it, that is, the notion of a plant; and in order to conceive the

notion of the plant, one must, again, conceive the higher notion upon which the notion of plant rests, that is, the notion of an organic body. In order to have the conception of bodies, surfaces, lines, and points, one must have the conception of space, since space is the universal, whereas bodies, surfaces, etc., are merely special determinations in space. So future, past, and present presuppose time as their universal ground, and so is it also with right, with duty, and with religion, namely, they are special determinations of consciousness, which is their universal ground.

(3.) In consciousness we ordinarily have the object before us, or we know only of the object and not of ourselves. But the ego is essentially present in these things. In so far as we represent to ourselves only an *object* we have a consciousness, namely, a consciousness of the object. In so far as we represent to ourselves *consciousness* we are conscious of consciousness, or have a consciousness of consciousness. In our ordinary life we have a consciousness, but we are not conscious that we are consciousness. We have much in us, even of a bodily character, of which we are *unconscious*, e. g., we possess the vital functions which relate to our self-preservation, without having any consciousness of their more precise nature, which we acquire first in science. Also spiritually are we much that we do not know. The *external objects* of our consciousness are such as we distinguish from ourselves and as we ascribe an existence independent of ourselves to. *Internal* objects, on the contrary, are determinations of faculties, powers of the ego. They do not subsist outside one another; but that in which they subsist is ego. Consciousness is either theoretical or practical.

(4.) *Theoretical* consciousness considers that which is, and leaves it as it is. *Practical* consciousness, on the contrary, is the active consciousness, which does not so leave that which is, but produces changes therein, creates out of itself determinations and objects. In consciousness there is therefore a dual presence, the

ego and the object; the ego determined by the object or the object determined by the me. In the first case, I act theoretically. I receive into myself the determinations of the object as *they are*. I leave the object as it is, and seek to make my ideas accord with it. I have determinations in me and the object also has determinations in it. The content of my ideation should be constituted as the object is. The determinations of the object in itself are rules for me. The *truth* of my *representations* consists in their agreeing with the nature and determinations of the object. The law for our consciousness in so far as it is theoretical is not to be perfectly passive,—it must direct its activity to the reception of the objective. A thing may be an object for our perception without our on that account having consciousness of it unless we direct our activity thereto. This activity in reception is *attention*.

(5.) The ideas that we acquire through the attention we work upon by imagination, the activity of which consists in the fact that in case of the perception of an object it calls up the image of another object which is or was joined with the first in some way. It is not necessary that the object with which the imagination joins the image of another be present actually; it may be present even merely in idea. The most extensive work of the imagination is speech. Speech consists of external signs and tones by which one makes known what one thinks, feels or is sensible of. Speech consists of *words*, which are merely signs of thoughts. For these signs *writing* gives in *letters* other signs. It makes our thoughts known without our being obliged to speak at the same time. *Hieroglyphic writing* differs from writing with letters in that it immediately contains *entire thoughts*. In *spoken language* there is sensibly present a certain tone. We have in it a perception of tone. We do not stop with this impression, but imagination joins with it the idea of an object not present. There is here a two-fold presence, therefore, a sensible determination and another idea joined there-

with. The idea is here solely the essence and the meaning of the sensible presence, which is thereby a mere sign. The *given* content stands opposed to a content that is *produced* by us.

(6.) In common life we *confound* representation and thought, and call that thought which is merely a representation of the imagination. In *representation* we have a thing before us in its external unessential existence. In *thought*, on the contrary, we separate from the fact the external, merely unessential, and bring out the fact in its essence. Thought penetrates, through the external experience, to the inner nature of the fact and makes it its object. It omits what is unessential to a fact. It does not take a fact as it is as immediate appearance, but strips away the unessential from the essential and so abstracts from it. In sense-perception we have single objects before us. Thought *relates* these to one another, or *compares* them. In comparing, it selects what they have in common, ignoring that *whereby* they differ from one another, and thus obtains universal concepts. The universal concept possesses *less definiteness* than the individual object that falls under this universal, because the universal is obtained just through the omission of what is individual. On the contrary, the universal *embraces more* within itself, or has a far greater extent. In so far as thought produces a universal object the activity of abstraction pertains to it and therewith the *form* of universality as, for example, in the universal object man. But the *content* of the universal does not belong to it as abstraction, but is given to thought and is present of itself independently of it.—To thought belong many determinations that express a *connection* among the manifold phenomena that is *universal* and *necessary*. The connection that exists in sense-perception is only an external and accidental one, may or may not be what it is. A stone, for example, produces by its fall an impression in a soft mass. In sense-perception are given the falling of the stone and the indentation in

the mass, and the fact succeeding this in time that there is present in the mass an indentation where the stone struck it. These two phenomena, the fall of the stone and the indentation in the mass, have occurred in a time-succession. But this connection still contains no necessity, but under the same conditions (as the expression is) it might have been that one should happen and the other not succeed it. If on the contrary, the relation of these two phenomena to one another is determined as a connection of cause and effect, or as *causality*, this connection is necessary or a connection of the understanding. In this it is involved that if, under the same conditions, the one takes place, the other is contained in it.—These determinations are forms of thought. The mind produces then *merely from itself*, but they are at the same time *determinations of the existent*. First by reflection do we arrive at what is ground and consequence, inner and outer, essential and unessential. The mind is not conscious in so doing that it arbitrarily produces these determinations but expresses in them what is of itself present, without the mind's coöperation.

(7.) Universally, in-so-far as we may speak of the mind's receiving determinations, the indeterminateness of the ego is presupposed. The determinations of the mind belong to it even though it has received them from other objects. Though there be in it something that, as an independent *content*, does not proceed from it, yet the form of the content always belong to it: for example, in the case of imagination the matter originates from sense-perception, but the form consists in the way in which the matter is otherwise combined than originally in perception. In a pure concept, e. g., that of an animal, the definite content belongs to experience but the universal therein is the form which proceeds from the mind.—The form then is of the mind's own determining. In the case of the theoretical faculty, the essential distinction lies in the fact that only the form is of the mind's own determining, whereas in the

case of the practical the content also proceeds from the mind. In the right, for example, the content is personal freedom. This belongs to the mind. The practical faculty recognizes determinations as its own in so far as it wills them. Although they appear to be alien, or given, determinations yet must they cease to be alien determinations in so far as it wills them. I transmute the content into myself, posit it through myself.

(8.) The theoretical faculty begins with a present, external existence and makes it a concept. The practical faculty, on the contrary, begins with an inner determination. This is called a *volition*, a purpose, mandate, and makes the inner really outer, gives it existence. This transition from an inner determination to externality is called *action*.

(9.) Action is in general a union of the inner and the outer. The inner determination with which it begins is, as to the form i. e. as to its being merely inner, to be cancelled and to become outer; the content of this determination is, however, to remain the same; for example, the purpose to build a house is an inner determination the form of which consists in its being at first only a purpose; the content comprehends the plan of the house. If, now, the form here be cancelled, the content still remains. The house which according to the purpose is to *be* built and that which according to the plan is built are the same house.—Conversely, the action is likewise a cancelling of the outer as it is immediately present: for example, in the building of a house the ground, the stones, wood and the other materials are changed in various ways. The form of the outer is altered. The outer is brought into a wholly other connection than that which it was in before. This change occurs according to an end, namely, the plan of the house, with which as inner, consequently, the outer is made to agree.

(10.) Even animals have a practical relation to what is external to them. They act with instinct towards an

end, and hence rationally. But since they do it unconsciously, real action can be only improperly predicated of them. They have *desire* and *impulse* but not a rational will. In the case of man we predicate will of impulse or desire. But, more accurately speaking, we distinguish will from desire; will in distinction from desire is then termed the *higher faculty of desire*. In the case of animals *instinct* is distinguished even from impulses and desires, since instinct, though an acting from desire or impulse, is an acting that does not terminate with its immediate performance but has a still further and, for the animal, likewise necessary, consequence. It is an acting in which there is contained a relation to something else; for example, the collecting of grain by various animals. This is not yet the whole action, but there is contained further an end therein, namely, their sustenance for the future.—Impulse is, first, something *internal*, something that originates movement from itself, or produces a change out of itself. Impulse starts from itself. True, it is aroused by outward circumstances, but it was nevertheless already in existence. It is not thereby produced. Mechanical causes produce merely external or mechanical effects, which are completely determined by their causes, in which, therefore, nothing is contained that was not already present in the cause. For example, if I give motion to a body, there is in it merely the communicated motion; or if I color a body, it shows in consequence nothing beside the imparted color. On the contrary, if I act upon a living being, this action upon it makes of it something wholly different from what it immediately is. The activity of the living being is thereby stimulated to show itself in its individuality. Secondly, impulse is (1) *limited* in content, and, (2) as far as its satisfaction is dependent upon outward circumstances, *contingent*. Impulse does not look beyond its end, and is in so far termed blind. It satisfies itself, be the consequences what they may.—Man does not determine his impulses in so far as they are mere

impulses, but has them immediately in him, or they belong to his *nature*. But nature is subject to necessity, since everything in it is limited, is, relatively or absolutely, only in relation to something else. But that which is in relation to something else is not for itself, is dependent upon another. It has its ground in it and is a *necessary* thing. In so far as man has immediately determined impulses he is subject to nature and acts as a necessary and unfree being.

(11) But man as a thinking being can *reflect* upon his impulses, which in themselves have necessity for him. Reflection means in general the abbreviation of the immediate. The reflection of light consists in the fact that its beams, which of themselves would travel forward in a straight line, are diverted from this direction. The mind has a power of reflection. It is not confined to the immediate but may go out beyond that to something else; e. g., from an event to the idea of its consequences or to a similar event, or even to its causes. In going beyond the immediate the mind removes that from itself. It reflects itself into itself. *It goes into itself*. It recognizes the immediate—in so far as it opposes to it another—as something limited. There is therefore a very great difference whether one merely *is* or *has* a thing, or also *knows* that one is or has this thing; for example, ignorance or coarseness of mind or behavior are limitations that one may have without knowing that he has them. In so far as one reflects upon them and knows about them one must know of their opposite. Reflection upon them is already a first step beyond them.—Impulses as natural determinations are limitations. By reflection upon them man begins to transcend them. The first reflection here concerns the *means*, whether they are commensurate with the impulse, or whether the impulse is satisfied by them; further, whether the means are not too important to be sacrificed to this impulse.—Reflection compares the various impulses and their ends with the *fundamental* end of

being. The ends of the particular impulses are limited but contribute, each in its way, to the attainment of the fundamental end. But to this, one impulse is more nearly related than another. Reflection has, therefore, to compare the impulses in order to ascertain whether they are related to the fundamental end and will through their satisfaction promote it. In reflection begins the transition from the lower faculty of desire to the higher. Man thereby is no longer merely a natural being, or remains no longer in the sphere of necessity. A thing is necessary in so far as only it and no other can occur. To reflection there presents itself not only the one immediate object but also another or its counterpart.

(12) Reflection as thus described is, however, properly only a *relative* reflection. It does indeed transcend the finite but always returns to it; for example, when we pass out of a place in space, another, larger presents itself, though it is a limited space or place, and so on *ad infinitum*. Likewise if when we pass beyond the present time back into the the past, we can conceive before us a period of ten, or even thirty, thousand years. Now such reflection does indeed move from a definite point in space, or in time, to another, but it does not get out of space and time. The like is true in *practical* relative reflection. It leaves behind an immediate inclination, desire or impulse and passes to another impulse, desire or reflection; leaves these, again, and so on. In so far as it is relative, it always comes upon an impulse, is concerned only with desires and never rises above the sphere of impulses as a whole.—But the *absolute* practical reflection rises beyond this entire sphere of the finite, or leaves behind the sphere of the lower faculty of desire in which man is determined by nature, or is dependent upon what is external. *Finitude* in general consists in this, that a thing has a limit, i. e., *here its not-being* is fixed, or *here* it ceases and thereby is related to something else. *Infinite* reflection consists in this,

that I relate myself not to something other but to myself, or that I am object to myself. This *pure* relation to myself is the ego, the basis of infinite being itself. It is the complete abstraction from all that is finite. The ego has no immediate content, or content given by nature, but has only itself as content. *This pure form is also its own content.* Every content given by nature is (1) something limited, while the ego is unlimited; (2) the content of nature is immediate but the pure ego has no immediate content since it is, only through abstraction from everything else.

(13.) Primarily the ego is purely undetermined. But it can by its reflection pass from indeterminateness to determinateness, e. g., to seeing, hearing, etc. In this determinateness it has become unequal to itself and yet it has at the same time remained in its indeterminateness; that is, it can by restoring its indeterminateness return to itself. Here belongs volition, for it is preceded by reflection, which consists in the fact that I may have before me a plurality of definite objects of thought, in indefinite number, which number, however, must be at least two, namely, a certain nature of a thing or else of its opposite. Volition puts an end to reflection, or the passing to and fro between objects of thought, and fixes upon a distinction and adopts it. The fundamental condition of *deliberation* or the possibility of choosing, or reflecting before action, is the absolute indeterminateness of the ego.

(14.) Freedom of the will is freedom in general, and *all other* kinds of freedom are only species of that. When we say 'freedom of the *will*' it is not meant that besides the will there is still a power, attribute, faculty that also possesses freedom. Just as when we speak of the omnipotence of *God* we do not understand by that that there are still other beings beside Him who possess omnipotence. There are it is true, civil freedom, freedom of the press, political freedom, religious freedom. But these kinds of freedom are the universal notion of freedom in so far as it, the notion,

is applied to particular relations or objects. *Religious freedom* consists in that religious opinions, religious actions are not forced upon me, i. e., only such attributes are possessed by them as I acknowledge as my own, make my own. A religion that is forced upon me or in respect to which I do not act as a free being is not mine but remains ever alien for me. *Political freedom* of a people consists in its constituting a state of itself and deciding what is valid as the universal national will either through the entire people itself or through persons who belong to the people, and whom, since all other citizens have equal rights with them, it can recognize as its own.

(15.) It is not uncommon to hear said, My will has been determined by such and such *motives, circumstances, temptations, and incentives*. This expression implies primarily that one has been passive in such a case. In fact, however, one has not been passive but has been essentially active, namely, in this respect that one's will has taken these circumstances as motives, allowed them to be valid as motives. The relation of causality does not obtain here. The circumstances are not causes, and my will is not an effect of them. In the relation of causality what is contained in the cause must follow necessarily. But as reflection I can transcend every determination that is presented by circumstances. In so far as a man alleges in his defense that he has been impelled by circumstances, temptations, etc., he means, as it were, to thrust away from himself, his action; but in so doing he only lowers himself to the level of an unfree or natural being, whereas his action is in reality always his own, not that of another, nor the effect of something external to him. Circumstances and motives have only so much authority over a man as he yields to them.—The determinations of the lower faculty of desire are natural determinations. In so far it appears to be neither necessary nor possible that a man should make them his own. But precisely as determinations

of nature do they not yet pertain to his will, or his freedom, for the essence of his will is that there be in it nothing that it has not made its own. He may therefore regard what belongs to his nature as something *alien*, so that it is in him, and may be ascribed to him, only in so far as he makes it his, or deliberately follows his natural impulses.

(16.) To charge upon a man the responsibility of an action is termed imputing it to him. To children, who are still in the state of nature, we can not impute an action; they are not yet subject to imputation; as is also the case with the demented or the idiotic.

(17.) In the difference between a deed and an action lies the difference of the notions of responsibility as they appear in the tragical *representations of the ancients* and in our notions. In the former the deed is ascribed to a man in its entire compass. He has to atone for the whole; the distinction is not made that he has been conscious of only one aspect of the deed and not of the other. He is here represented as an absolute knowledge in general, not merely as a relative and accidental knowledge, or the knowledge that what he does is in its entirety regarded as *his* deed. A *part* is not taken from him and ascribed to some other existence; for example, when Ajax, in the frenzy of his anger at his not having obtained the weapons of Achilles, slew the cattle and the sheep of the Grecians, he did not charge the responsibility upon his frenzy as if it had been another being, but ascribed the entire action to himself as the doer—and killed himself out of shame.

(18.) Were the will not a universal, there would be no *laws*, in the real sense, nothing that would be truly binding upon *all*. Each one would act according to his arbitrary pleasure, would not respect the arbitrary will of another. That the will is a universal follows from the notion of its freedom. Considered *phenomenally*, men appear very different as regards will in

general, according to their character, habits, inclination, particular aptitudes. They are in so far *particular* individuals, and are different from one another by nature. Each has capacities and attributes that are lacking in others. These differences of individuals do not at all relate to the will, since it is free. Freedom consists precisely in the indeterminateness of the will, or in its having no determinations in it by nature. The will is, therefore, in itself a universal will. The particularity or individuality of men does not conflict with the universality of the will but is subordinate to it. An action that is legal or moral or otherwise excellent is, indeed, done by an individual but all assent to it. They recognize therein themselves or their own wills. The case here is identical with that of a *work of art*. Even those persons who would not have been able to produce such a work find their own nature expressed in it. Such a work is, therefore, truly a universal. It receives greater applause, the more the particularity of the artist is absent from it.—It may be the case that one is not conscious of his universal will. A man may believe that a certain thing is in perfect contradiction of his will although it be his will. The transgressor who is punished may of course desire that the punishment be averted from him; but the universal will requires that the transgression be punished. It must therefore be assumed that it is involved in the absolute will of the transgressor himself that he be punished. In so far as he is punished, the necessity exists that he also see that he is justly punished; and if he sees it, he may indeed wish that he be exempted from the punishment as an outward suffering, but in so far as he concedes that he is justly punished, his universal will assents to the punishment.

(19.) *Arbitrary will* is freedom, but it is *formal* freedom, or freedom in so far as my will is related to something *limited*. Two aspects of the will must be distinguished here, in that, on the one hand, the will does not remain in equality with itself and, on the other, it

does so remain. (1) In so far as the will wills *something* it has a definite, limited content, it is in so far unequal with itself because it is here really determined, while, in and of itself it is undetermined. The limited being which it has taken up into itself is therefore something different from it. For example, when I will to walk or to see, (1) am one who walks or who sees; and thus make myself unequal with myself because walking or seeing is something limited and is not equal to the ego. (2) But I am in form herein in equality with myself or free, because, while so determined, I regard myself as something *alien*, or distinguish the determinateness from myself, the ego, since thus to walk or to see is not by nature in me but because I have introduced it into my will. In so far it is, at the same time, manifestly also not something alien because I have made it mine and have therein my will.—This freedom is now a formal freedom, because in the equality with myself there is present *at the same time* also *inequality* with myself, or there is something limited in me. When in common life we speak of freedom, we understand ordinarily thereby arbitrary will or relative freedom to do or leave undone a thing. In the limited will we may have formal freedom in so far as we distinguish the definite thing before us or reflect upon it, i. e. in so far as we are also beyond that. When we are in a passion, or act under the control of nature, we have no formal freedom. Because our ego is entirely possessed by this feeling, it appears to us as something limited. Our ego is not also beyond it, does not distinguish itself from it.

(20.) The absolutely free will is distinguished from the relatively free will, or arbitrary will, by the fact that the absolute will has only itself, while the relative will has something limited, as object. The relative will e. g. desire, has to do only with the object. The absolute will is distinguished also from willfulness. The latter possesses in common with the absolute will the attribute that it is not so much concerned

with objective fact as with will as will with a view to just its will being respected. And yet the two are to be distinguished. The self-willed person adheres to his will because it is his will, without any rational grounds therefor, i. e. without his will's being a thing of universal validity. However necessary the possession of *strength* of will, which clings steadfastly to a rational purpose, self-will is obnoxious because it is the entire individual and is exclusive of others. The truly free will has no contingent content. It alone is not contingent.

(21.) The pure will is not concerned with any particularity. In so far as this is the case with will, it is arbitrary will, since this has a limited interest and receives determinations from natural impulses and inclinations. Such a content is one given from without and is not absolutely produced by the will. The principle of the will is therefore that its freedom be realized and maintained. Besides this, however, it wills also various things. It has various definite ends, as maxims, states, etc; but these are not ends of the will regarded in and for itself, but are *ends* because *means* and *conditions* for the *realization* of the freedom of the will, which makes necessary maxims and laws for the limitation of arbitrary will, inclinations and mere caprice, in general the impulses and desires which relate merely to natural ends. *Education*, for example, has the end of making man an independent being, i. e. a being with a free will; wherefore many sorts of restriction of their pleasures are placed upon children. They must learn to obey to the end that their individual or self will, and further, their dependence upon conscious inclinations and desires may be annulled and their will thereby be made free.

(22.) Man is a free being. This is the fundamental attribute of his nature. But he has, besides, necessary needs, special ends and impulses, e. g. the impulse to knowledge, to preservation of his life, his health, etc. The Right does not have man as an object of consid-

eration as respects these *particular* attributes. It has not as an end the furtherance of him as respects these or the affording of any special assistance in that. Secondly: the right does not depend upon the *intention* that one has. One may act with a very good intention, and yet his action will not on that account be right but may in spite of that be wrong. On the contrary, action, e.g., the maintenance of my property, may be perfectly legal and yet have an evil intent in that I aim not merely at the right but also and rather at the injury of another. Upon the right as such the intention has no bearing. Thirdly: It depends not at all upon my *conviction* whether what I have to do be legal or illegal. This is particularly the case in punishment. Men do indeed seek to convince the transgressor that he experiences the right. But this conviction or non-conviction has no bearing upon the right that is done him. Finally, the right is not concerned with the *disposition* with which an act is performed. It is very often the case that a person does the right merely from fear of punishment or from fear of other unpleasant consequences in general, e.g. of losing his reputation or good name. Or one may also in doing the right have the disposition to be rewarded therefor in another life. But the right is independent of these dispositions.

(23.) The Right and the Moral are distinct. A thing may well be permitted in accordance with the right which the moral forbids. The right, for example, permits to me the disposition of my property in a wholly undetermined manner, while the moral contains qualifications that limit the disposition. It may seem that the moral permits much that is not permitted by the right, but the moral demands not only the observance of the right towards others but adds to the right the disposition to respect the right for the right's sake. The moral even demands that first the right be observed, and where that ceases then moral determinateness have force.—That an action have moral value there is necessary the *insight* as to whether it is right

or wrong, good or bad. What is termed the *innocence* of children or uncivilized people is not morality. Children or such people *omit* to do a multitude of wrong actions because they have no conception of them, because in general the relations do not exist under which alone such actions become possible. Such omission of wrong actions has no moral value. They *perform* actions which are in accordance with the moral law and yet are not on that account exactly moral inasmuch as there is wanting the insight into the nature of actions—as to whether they be good or bad.—To one's own conviction stands opposed mere belief upon *the authority* of others. If my action is to have moral value, my conviction must be joined with it. The action must in the complete sense be mine. If I act upon the authority of others, the act is not completely mine; it is an alien conviction expressed in act through me.—But there are also relations in which morality consists precisely in acting from a spirit of obedience and according to the authority of others. Originally man follows his natural inclinations without consideration, or at least with reflections which are partial, perverse, and false, and even subject to the rule of sensibility. In this condition he must learn to obey, since the will is not yet rational. Through this obedience comes to pass the negative fact that he learns to renounce sensuous desires; and by this obedience man attains to self-dependence. In this sphere he always follows another just as much whether he obeys his own, on the whole, sensuous, will or the will of another. As a natural being he is, on the one hand, subject to the rule of external things; but, on the other, these inclinations and desires are something immediate limited, unfree, or other than his true will. Obedience to the law of reason is obedience on the part of my *unessential* nature, which is subject to the rule of that which is for it other than itself. But, on the other hand, it is an independent determination from self, for just this

law has its source in my essence.—*Disposition* is, therefore, in morals an essential element. It consists in one's doing duty because it is duty. It is therefore an immoral disposition to do a thing from fear of punishment or for the purpose of gaining a good opinion of self among others. This is a *heterogeneous*, i. e., an alien, motive, since it is not the reason of the thing itself; or the right is then treated as not a thing that is in and for itself, but as something that is dependent upon external determinations. But it is nevertheless of importance to consider whether punishment or rewards are awarded an act. Even though the consequences of an action do not constitute its value. The consequences of a good action *may* often draw after them much evil; an evil action, on the contrary, *may* have good consequences. But in general to think of the consequences of an action is important for the reason that one by so doing does not stick fast at the immediate point of view, but gets beyond that. Through many-sided considerations one is guided to the nature of actions.—According to the right, man is object to man, as an absolutely free being; according to morality, on the contrary, as an individual in his particular existence as a member of the family, as a friend, as one having a certain character, etc. If the external circumstances in which a man is placed with others are of such a character that he fulfills his nature, that is his *good fortune*. This *welfare* partly lies within the power of his own will and partly depends upon external circumstances and other men. Morality also has man for object as regards his particular existence or his welfare, and demands not only that man be left in his abstract freedom but also that his welfare be promoted. Well-being, as the harmony of the external with our inner being, is termed *pleasure*. *Happiness* is not merely an individual pleasure but a continued state, partly of actual pleasure itself, partly also of the circumstances and means whereby one always has the possibility of procuring, if one

will, pleasure for himself. The latter is therefore pleasure in idea. But in happiness as in pleasure is contained the notion of good fortune, the notion that it is a matter of contingency whether or not external circumstances harmonize with the inner condition of the impulses. *Felicity*, on the contrary, is distinguished by this, that there is in it no mere good fortune, i. e., that in it the harmony of the outer with the inner is not contingent. Felicity may be predicated only of *God*, in whom willing and the fulfillment of his absolute power are one and the same thing. But for man the agreement of the external and the internal is limited and contingent. Therein he is dependent.

(24.) The moral will is, as regards disposition, imperfect. It is a will that has the *aim of perfection*, but as it is impelled to the attainment of this by the motive-influences of sensibility and individuality (2), it has not in its power the means to its end, and is consequently limited to bringing to pass the welfare of others. In *religion*, on the contrary, we consider the divine being, the perfection of the will in both its aspects, namely as regards the *perfection of the disposition*, which has in itself no alien motives, and then as regards the *perfection of power* to attain to holy ends.

SECTION I.

THEORY OF RIGHT.

[CHAPTER I. RIGHT AS SUCH. §1. Division of the Subject of Right. §2. Universal Will as Right. §3. The Principle of Right—*Suffered violation of right as distinguished from mere misfortune.* §4. The Person. §5. Inviolability of Rights as such. §6. Compulsion—*Forms of Compulsion.* §7. The merely Prohibitory nature of Right. §8. Possession, as a form of Subsumption under Will. §9. Possession as a Subsumption of a *res nullius*. §10. Necessity of Possession being *Taken—Modes of Taking Possession and their Defects.* §11. Possession as Property—*Possession and Property distinguished as forms of Dominion—Internal and External Sides of Property.* §12. The Alienation of Property—*Powers and Talents as Alienable.* §13. Inalienable Belongings—as one's *Personality, Morality, Religion.* §14. Alienation of Use of Spiritual and Bodily Powers—i. e. of a *Limited Use* merely. §15. Contract—*Kinds of Contract.* §16. Performance of Contract. §17. Trespass. its two Varieties. Distinction between the violation of Right *qua* Right and Violation of Particular Right—Self-Contradictory Nature of the former. §18. Adjudication of violation of particular Right. §19. Violation of Right as Right—*Imprisonment, Enslavement, Injury to Life and Limb.* §20. Punishment as the Negation of Crime, or the Violation of Universal Right—*Jus Talionis—Nature of Retaliation as a Form of Right.* §21. Retaliation as distinguished from Revenge.

CHAPTER II. RIGHT IN POLITICAL SOCIETY. §22. Right realized only in Political Society. §23. The Family—*The Family as an Organic Whole Constituting a Single Legal Personality.* §24. The State—*Its Immediate Aim.* §25. The State of Nature. §26. Law, as the Universal Will. §27. Government as the Activity of the Law. §28. General Powers of the Government—*Kinds of Constitution—Democracy and Ochlocracy—Aristocracy and Oligarchy—Monarchy and Despotism—Constitution as Conditioned by Character and Customs of People, etc.* §29. End of the State. §30. Internal Law of the State. §31. External Law of the State.]

CHAPTER I.—RIGHT.

§1. We have to consider (1) the right in itself and (2) its subsistence in political society.*

*[*Staatsgesellschaft.* "Civil Society" (*Die bürgerliche Gesellschaft*) has a different meaning in Hegelian usage.]

‡2. In the right, merely the universal will must obtain, without reference to the intention or conviction of the individual person, and the right has man as object only as free being in general.

‡3. The right consists in every individual's being respected and treated by every other as a free being, for only in so far has the free will itself as object and content, in another.

Explanation.—The basis of the right is the freedom of the individual, and the right consists in my treating another as a free being. Reason demands a relation of right. In essence every individual is free. Through their particular conditions and peculiarities, men are different, but this difference does not affect the abstract will as such. Herein they are identical, and, in respecting another, one respects himself. From this it follows that by the violation of the right of one *individual*, *all* are violated in their right. This is a wholly other sort of participation than the participation in the mere *injury* of another. For (1) the injury or loss of the goods of fortune, the favorable condition of which, though indeed desirable, is not in itself necessary, does, it is true, concern me, but I can not affirm that it should not have occurred; (2) such conditions pertain to the particularity of a man. In all participation we distinguish misfortune from ourselves, look upon it as something alien. In the injury of the right of another, on the contrary, every one feels himself immediately concerned since the right is something universal. Hence we cannot consider the violation of right as something that is alien to us. We feel, since the right is necessary, that we are seriously wronged by it.

‡4. In so far as every one is recognized as a free being he is a *person*. The principle of the right is

therefore expressed as follows: Each one shall be treated by every other as a person.

Explanation.—The notion of personality includes in itself egoity, or individuality, which a free, or universal, being is. Men have personality through their spiritual nature.

§5. From this it follows that no man may be constrained, except to remove the constraint to which he has subjected another.

Explanation.—There are limitations of freedom, and laws, that allow that men be treated not as persons but as things, e. g., the laws that permit slavery. But these are merely positive laws, or rights, and that, too, opposed to reason, or absolute right.

§6. An action that limits the freedom of another, or does not acknowledge and treat him as a free will is contrary to the right.

Explanation.—In the absolute sense there is really no compulsion of man possible, because every one is a free being, because he can maintain his freedom against necessity and can relinquish all that belongs to his existence. *Compulsion* occurs in the following ways. A certain thing is affixed to the existence of man as a condition to that, so that if he will obtain the first he must also accept the other. Since the existence of man is dependent upon external objects, he may be seized on the side of his existence. A man is compelled only when he wills a thing with which another is united, and it depends upon his will whether he will, the *one* and therewith also the *other*. or else *neither of the two*. Yet even in so far as he is compelled, that to which he shall be determined is left to his will. Compulsion is in so far merely something relative. It is *lawful* when it is employed to make good the right against the individual. *This* compulsion has an aspect in which it is not compulsion, and the dignity of the free being is not contradicted, since the will in and

for itself is also the absolute will of every one. Freedom is realized in general where law, not the arbitrary will of the individual, rules.

‡7. *Permitted*, but not on that account commanded, is, legally speaking, all that does not limit the freedom or destroy the act of others.

Explanation.—The right contains, properly speaking, only *prohibitions*, not commands, and what is not forbidden is permitted. The *prohibitions* of the right may, of course, be expressed positively as commands, e. g., Thou shalt observe all contracts. The universal ground-principle of the right, of which all others are merely particular applications, is, Thou shalt not injure the property of another. This does not mean that one must do something positive to another or produce a change in circumstances, but implies the *abstaining* from the *violation* of property. When, therefore, the right is expressed as a positive command this is merely a form of expression underlying which there is, as content, the prohibition.

‡8. In subsuming a thing under itself the will makes it its *own*. *Possession* is this subsumption of a thing under my will.

Explanation.—To subsumption belong as necessary two things—a universal and a particular somewhat. I subsume an individual somewhat when I assign to it a universal determination. This subsumption occurs universally in the judgment. That which subsumes in a judgment is the predicate, the subsumed being the subject. Taking possession is the expression of the judgment that a thing is mine. My will is here that which subsumes. I give to the thing the predicate of being mine. The will is that which subsumes in relation to all external things, since it is virtually the universal being. But all things that are not self-related are merely necessary, not free. This relation gives man the right to take into possession all external things and make them other than what they are. In

so doing he treats them only according to their nature.

§9. The first thing to be taken into possession must (1) be *res nullius*, i. e., must not have been subsumed under another will.

Explanation.—A thing that is already another's I cannot take into possession, not because it is a thing, but because it is *his*. For if I take into possession the thing, I destroy the predicate in it of being his, and thereby negate his will. The will is something absolute, and I cannot make it something negative.

§10. Possession must (2) be *taken*, i. e., I must make clear to others that I will have this object subsumed under my will, whether by *bodily seizure* or by *formation* or at least by *designation* of the object.

Explanation.—The external act of seizure must be preceded by the inner act of the will which declares that the thing shall be mine. The first mode of taking possession is bodily seizure. It has the defect that the object to be seized must be of such a nature that I may directly seize it with my hand or cover it with my body, and further that it is not enduring. The second more perfect mode of taking possession is formation in which I give a modification to a thing, e. g., improve a piece of land with buildings, make gold into a beaker. Here the form of my possession is immediately joined with the object, and hence an explicit sign that the *matter also* belongs to me. To formation belong, among other things, the planting of trees, the taming and feeding of animals. An imperfect kind of land-possession is the occupying of a region without forming it, e. g., when nomadic tribes occupy a territory for the grazing of cattle, hunting tribes for hunting, fishing tribes the shore of sea or river. Such possession-taking is, however, superficial because the actual occupancy is merely a temporary one, not one that is permanent and adheres to the

object. Taking possession by mere designation of the object is imperfect. The sign, which does not, as information, also constitute the thing itself, is a thing having a meaning that is not its own essence and to which it is, therefore, related as an alien thing. But it also has besides a meaning proper to it which is not connected with the nature of the designated thing itself. The designation is therefore arbitrary. Of what a thing shall be a sign is more or less a matter of convention.

§11. Possession becomes *property*, or is *legal*, in so far as it is recognized by all that the thing which I have made mine is mine, just as I recognize the possession of others as theirs. My possession is *recognized* because it is an act of the free will, which is something absolute in itself, and in which is contained the universal truth that I consider the will of another as likewise something absolute.

Explanation.—Possession and property are two different facts. It is not necessary that possession and property be always united. It is possible for me to have property without being in possession of it. When, for example, I loan a thing to another it remains my property although I do not have it in possession. Possession and property are contained in the notion that I have dominion over a thing. Property is the legal aspect of dominion, and possession is merely the external aspect that something is in my power in general. Legality is the side of my absolutely free will, which has declared a thing to be its own. This will must be recognized by others, since it is in and for itself and in so far as the above-mentioned conditions have been observed. Property has, therefore, an internal and external side. The latter by itself is taking into possession, the former an act of the will which must be recognized as such. It *appears* to be contingent or arbitrary whether to a

taking into possession there attaches recognition on the part of others. It must attach, however, because it lies in the nature of the case. Recognition is not based on reciprocity. I do not recognize it because you do, and *vice versa*, but the ground of the reciprocal recognition is the nature of the case itself. I recognize the will of the other because it is to be recognized in and for itself.

§12. I may *alienate* my property and the same may by my free will pass to another.

Explanation.—My power and talents are, it is true, my most peculiar property, but they have also an external aspect. *In abstracto* they are already in so far external as they may by me be distinguished from myself, the simple ego. But the powers and talents are also individual and limited, and do not constitute my real essence. My essence, the virtual universal, is distinct from these particular attributes. Finally, they are external in their *use*. Precisely in the use of them do I make them an external form, and that which is produced by them is a sort of external existence. In the use the power as such is not contained, but withholds itself notwithstanding its having expressed itself and having made its expression an external existence distinct from it. This expression of power is also in so far something external as it is something limited and finite. In so far as a thing is my property I have, it is true, connected it with my will, but this conviction is not absolute. For if it were, my will must in its essence lie in this thing. But I have made my will here merely a particular thing, and can, since it is free, again remove this particularity.

§13. *Inalienable* are those belongings which not so much are my possession or my property as, the rather, they constitute my most proper personality or are contained in my essence, as freedom of will, ethicality, religion, etc.

Explanation.—Only those belongings are alienable which are already by nature external. *Personality*, for example, I cannot view as something external to me for in so far as one has given up his personality has he made himself a thing. But such an alienation would be null and void. One would alienate his *morality* if he should obligate himself to another to perform at his command all possible actions—crimes as well as indifferent actions. Such an obligation would have no force, since it includes the freedom of the will, in which each one must stand for himself. Moral or immoral deeds are the proper actions of him alone who commits them and because they are of such a nature that one cannot alienate them. Nor can I alienate my *religion*. If a community or even an individual should leave to another to determine what should constitute its or his belief, this would be an obligation which either party could annul. No wrong would thereby be done to the individual with whom I have entered into this obligation, because that which I have surrendered to him *could never become his property*.

§14. On the contrary, I may alienate the definite *use* of my mental and bodily powers and the things that I possess.

Explanation.—One may alienate only a *limited* use of his powers, since this use or this limited operation is distinct from the power. But the *constant* use or the operation in its *entire* extent cannot be distinguished from the power in itself. The power is the inner or the universal in relation to its expression. Its expressions are an existence limited in time and space. The power itself is not exhausted in an individual such existence and is also not limited to its contingent operations. But secondly, the power must act and manifest itself, otherwise it is no power. Thirdly, the entire extent of its operations constitute the power itself, for the entire extent of operations is,

again, just the universal itself which the power is, and therefore man cannot alienate the entire use of his powers, he would in so doing alienate his personality.

§15. To the alienation of a thing to another there are requisite *my* consent to surrender the thing to him and *his* consent to receive it. This double consent is, in so far as it is reciprocally declared and pronounced as valid, termed *contract* (*pactum*.)

Explanation.—Contract is a particular mode in which a person becomes proprietor of a thing that belongs already to another. The previously explained mode was the immediate taking-into-possession of a thing that was *res nullius*. (1) The simplest form of contract is the *gift-contract*, in which one transfers to another a thing, without receiving any value therefore. A valid gift is a contract, since the will of both parties must be present therein,—of the one to surrender the thing without receiving anything in return therefor, and of the other to receive the thing. (2) *Exchange-contract* consists in my transferring to another some of my property on condition that he give me in return for it a thing of equal value. To it there is necessary the double consent of each to give away a thing and, on the other hand, to receive the thing offered by the other. (3) *Buying* and *selling* are a particular mode of exchange—of commodities for money. Money is the universal commodity, which, as abstract value, cannot in itself be used for the satisfaction of any particular want. It is merely the *universal means* for procuring particular necessities. The use of money is only a mediate one. A material is not in and of itself, as possessing certain qualities, money, but becomes so only by convention. (4) *Hire* consists in the transferring to any one a possession or the use of property while the property itself is reserved. It may here be the case that one to whom I

have loaned a thing must return to me precisely the same thing or that I have reserved my property in a thing of the same kind or the same value.

§16. The declaration of wills which is contained in the contract is not yet the realization and fulfillment of the transference of my thing or my labor to another. This transition from the mere ground of the contract is the *performance*.

Explanation.—My promise in the contract means that I have excluded by my will a certain thing from the sphere of what is mine, and I have at the same time acknowledged that another has taken it into the sphere of what is his. Since, now, that a thing is mine in so far as it depends on me, has its ground in my will, the thing becomes by the very contract the property of another. In so far, therefore, as I do not perform for another what is specified in the contract, or put him in possession of the thing, I violate his property. (Acquisition by testament.)

§17. A *trespass* upon the sphere of my freedom by another may (1) be of such a nature that he has in his *possession my property as his own*, or *claims* it in the sense that he has the right to it and if he had not, but I had the right to it, he would surrender it to me. He respects the right in general and asserts merely that in this particular case it is on his side; or (2) it is involved in his action that he does not recognize my will in general and then violates the *right as right*.

Explanation.—The distinctions thus far laid down express the nature of the right, its law, its necessity. But the right is not such a necessity as the necessity of physical nature, e. g., as that the sun cannot leave its orbit. A flower must be entirely according to its nature. If, for example, it does not complete its

formation, this is in consequence of external influences not of itself. The mind, on the contrary, can by virtue of its freedom act contrary to laws. An act may, therefore, be committed contrary to the right. Here we must distinguish (1) universal right, right *qua* right; (2) particular right, right as relating merely to the right of a particular individual to a particular thing. Universal right is, that in general every individual independently of this property is a legal person. The trespass upon the right may therefore be of such a nature that there is asserted by it only that this particular right, this particular thing does not belong to a certain individual. But the universal right is here not violated. One is here related to his opponent as a legal person. Such a judgment may in general be regarded as a merely *negative* one, in the predicate of which the particular is negated; for example, when I pronounce the judgment, This stove is not green, I deny merely the predicate of a thing colored in a particular manner but not the universal. In the second case of trespass upon the right of another I assert not only that a particular thing is not the property of another but I deny that he is a legal person. I treat him as not a person. I do not make a claim to a thing on the ground that I have or believe that I have the right to it. I violate the right *qua* right. Such a judgment belongs to the class of what are termed *infinite* judgments. The infinite judgment denies of the predicate not only the particular but also and rather the universal; e. g., The stove is not a whale, or it is not memory. Since not only the definite but the universal also of the predicate are denied, there remains nothing in the subject. Such judgments are, accordingly, absurd, but yet, correct. Likewise the violation of the right *qua* right is a possible thing—and also occurs—but is something absurd and self-contradictory. The cases of the first sort above described are cases in *civil* right, those of the second sort cases in *criminal* right. The first kind

of right is also termed *common* right, the second *penal* right.

§18. In the first case the mere statement of the grounds of right is all that is necessary; by this it appears to whom the particular right in dispute belongs. But for the adjustment of the views of both parties a *third* party, who is without the interest of possession of the thing, is necessary, that the right purely as such may be kept in view.

Explanation.—In the first case, therefore, *civil litigation* occurs. In such a case the right of another is taken into claim but upon a ground of right. The two parties in the dispute agree in that they recognize the right as right. Only that one should come into possession who is in the right, and not, of course, he who has influence or power or greater merit. The parties disagree only in respect to the subsumption of the particular or the universal. Hence it follows that there occurs no personal injury between the judge and the two parties, if either of the two parties is not satisfied with his sentence, nor on the part of the judge toward the party to whom he has denied the right. And since no attack upon the person as such occurs, it follows that the party who has illegally attacked the property of the other party is not punished.

§19. The other case, on the contrary, concerns the violation of my personal external freedom, my life and limb or also my property in general by the *use of violence*.

Explanation.—Here belongs, first, the illegal taking away of my freedom by *imprisonment* or *slavery*. It is being deprived of one's natural external freedom, to be not able to go where one likes, etc. Here, also, belongs the violation of life and limb. This is much more important than the taking away of my property.

Although life and limb are, like property, something external, yet my personality is therein violated, because in my body is my immediate feeling of self.

§20. Not only must the compulsion occurring in such an action be annulled, i. e., the inner nothingness of such an action be shown in a negative way, but there must also, as a positive manner of exhibiting it, take place *retaliation*. (There must be made valid against it the form of rationality in general, universality or equality). That is, since the agent is a rational being, there is contained in his action that it be something universal. If one robs another he robs himself; if he slays another, he also slays all, even himself. His action is a law which he lays down and which he has by his very acting in and of itself recognized. The agent may himself, therefore, be subsumed under the form of action which he has laid down, and in so far the equality violated by him is again restored: *jus talionis*.

Explanation.—Retaliation rests in general upon the rational nature of the wrong-doer, or it consists in that the wrong must transform itself into the right. The illegal action is, it is true, an individual irrational action. But since it is performed by a rational being it is, not in content indeed, but still in form a rational thing and a universal. Further, it is to be regarded as a principle or *law*. But as such it applies only to the agent, because he alone has by his action recognized it—others have not. He himself falls essentially under this principle or this law, which must be executed upon him. The wrong that he has done, fulfilled in him, is right, because by this second action, which he has recognized, a restoration of the equality is brought about. This is merely formal right.

§21. But retaliation should not be executed by the wronged individual or by his relatives, since with them the universal respect for the right is mingled with the contingency of passion. It must be the act of a third person having authority, who makes valid and fulfills the universal merely. In so far it is *punishment*.

Explanation.—*Revenge* and *punishment* differ in that revenge is retaliation as executed by the injured party, but punishment in so far as executed by the judge. Retaliation must, therefore, be employed as punishment because in revenge passion has influence, and the right is thereby clouded. Further, revenge has not the *form* of right but that of arbitrary will inasmuch as the injured party always acts from feeling or subjective motive-influences. Hence the right, executed as revenge, is a fresh injury, is felt only as a particular action, and thus continues unadjusted in *infinitum*.

CHAPTER II.—POLITICAL SOCIETY.

§22. The notion of the right as the power having authority and independent of the motive-influences of individuality has reality only in political society.

§23. The family is the natural society, the members of which are united by love, confidence, and natural spirit of obedience (piety).

Explanation.—The family is a natural society (1) since everyone belongs as member to a family not by his own will but by nature, and (2) since the relations and the conduct of the members towards one another rest not so much upon reflection and volition as upon feeling and impulse. The relations are necessary and rational, but there lacks the form of conscious insight. Instead, there is instinct rather. The love of the

members of the family rests upon the fact that my ego constitutes only with another individual ego a unity. They do not regard themselves as in the relation of individuals to another. The family is an organic whole. The parts are really not parts but members which have their substance only in the whole and which, if separated from the whole, lack independence. The familiar confidence which the members of the family have towards one another consists in the circumstance that the individuals have no private interests but only an interest in and for the whole. The natural obedience within the family rests upon the fact that in this whole there is only one will, namely, that of the head of the family. In so far the family constitutes a single person. (Nation.)

§24. The *State* is a society of men under legal relations, in which they exist together not by virtue of a particular natural relation, governed by natural inclinations and feelings, but as acknowledged persons, and this personality of everyone is mediately asserted. If a family has extended itself to a nation and the State coincides with the nation, this is highly fortunate.

Explanation.—A people is a unit through speech, customs, and usage and culture. But *this* unity does not yet constitute a state. Moreover, morality, religion, prosperity and wealth of all its citizens are, of course, highly important for the State; it must even take care to promote these conditions; not they, however, but the right, constitutes its immediate end.

§25. The *state of nature* is the state of barbarity, violence, injustice. Men must pass out of such a condition into political society, because only in it has the relation of right reality.

Explanation.—The state of nature is usually portrayed as a perfect condition of man as well in respect

to happiness as in respect to moral good. But as to the first it is to be remarked that *innocence* as such has no moral value in so far as it is ignorance of evil and is conditioned by the absence of exigencies under which evil may happen. Secondly, this condition is rather a condition of *violence* and *injustice* just because men in it view themselves in a natural aspect. In this aspect they are *unequal* as well in respect to bodily powers as in respect to mental endowments, and maintain their difference by violence and cunning. Reason, it is true, is present even in a state of nature, but the natural predominates. Men must therefore pass out of this condition into one in which the rational will rules.

§26. *Law* is the abstract expression of the will that is universal in and for itself.

Explanation.—Law is the universal will in so far as it accords with reason. It does not necessarily follow that every individual merely through himself have known of or have discovered this will. And it is not necessary that every individual have declared his will and thence deduced a universal result. Nor has, therefore, it happened in actual history that the individual citizens of a people have as such beforehand determined upon a law, and then by common consultation come into agreement with one another regarding the law. The law contains the *necessity* of the relations of right among individuals. The law-makers have not *arbitrarily* made ordinances. Their determinations are not determinations of their particular pleasure, but they have by their wisdom apprehended what the truth and the essence of a legal relation is.

§27. *Government* is the individuality of the will that is in and for itself. It is the power to make and administer or execute laws.

Explanation.—The state has laws. And these are the will in its universal abstract essence, which as such is inert; as principles and maxims express or contain

merely the universal, not yet a real will. In relation to this universal the government only is the active and realizing will. Law subsists indeed as custom, as usage, but the government is the conscious power of the unconscious usage.

§28. The *general power* of the state contains under it several particular powers: (1) the *legislative* power in general; (2) the *administrative* and *financial* power, the power for procuring the means for the realization of freedom; (3) the (independent) *judicial* and *police* powers; (4) the *military* power and the power *to conduct war and conclude peace*.

Explanation.—The kind of constitution depends chiefly upon whether or not these particular powers are exercised directly by the head of the government, and whether or not two or more of them are united in a single authority or are separate, e. g., whether or not the prince or regent himself directly decrees the right or particular judicial courts proper are established; further, whether or not the regent unites in himself the power of the church also. It is also important whether or not in a constitution the supreme center of government possesses unlimited financial authority in the sense that he may both levy and apply taxes wholly according to his arbitrary will; further, whether or not several powers are united into one, e. g., whether the judicial and military powers are united in one office. The kind constitution is further determined by whether or not all citizens have a share in the government. Such government is a *democracy*. The corrupt form of this is the *ochlocracy*, or the rule of the mob, as when that part of the people which has no property and is of lawless disposition violently excludes from the affairs of the state the legal citizens. Only where there exist simple, incorrupted morals and a small territory can a democracy exist and maintain itself. The *aristocracy* is the

constitution in which only certain privileged families have the exclusive right of government. The corrupt form of this constitution is the *oligarchy*, where the number of families having the right of government is small. Such a condition is dangerous, since in an oligarchy all particular powers are exercised immediately by a council. *Monarchy* is the constitution in which the government is in the hands of an individual and remains hereditary in a family. In a *hereditary* monarchy the dissensions and civil wars that may occur in an *elective* monarchy at the change of the throne are avoided, because the ambition of powerful individuals cannot cherish a hope of the throne for themselves. Moreover, the monarch cannot directly exercise the entire power of government, but entrusts a part of the exercise to the special powers of colleges or classes in the kingdom which exercise under the law the power transferred to them, in the name of the king under his supervision and direction. The freedom of the citizens is better preserved in a monarchy than in other constitutions. The corrupt form of the monarchy is *despotism*, in which the regent directly conducts the government according to his arbitrary will. Monarchy is essentially this—that the government possesses authority and the power belonging to that as against the private interest of the individual. But on the other hand, the rights of the citizens must be protected by the laws. A despotic government has, it is true, the highest power, but in such a constitution the rights of the citizens are sacrificed. The despot has, doubtless, the greatest power and may employ the resources of his realm according to his arbitrary will. But this standpoint is also the most dangerous of all. The governmental constitution of a people is not merely an external affair. A people may [not] have just as well this as any other constitution. The constitution depends essentially upon the character, the morals, the degree of culture, the mode of life and the extent of a people.

§29. The citizens as individuals are subject to the authority of the State, and obey the same. But the content and end of that authority is the realization of the natural, i. e., absolute rights of the citizens, who in the State do not renounce these but rather attain to the enjoyment and full realization of them.

§30. The constitution of the State determines as the *internal law of the State*, the relation of the particular powers of the government both to the government as their supreme centre and to one another, and the relation of the citizens thereto or their share therein.

§31. The *external law* of the State has to do with the relation of independent peoples to one another through their governments, and rests chiefly upon particular contracts—*law of nations*.

Explanation.—States stand more in a natural than a legal relation to one another. There is, on account of that, a continual strife going on among them, so that they conclude contracts with one another, and thereby enter into a legal relation with one another. On the other hand they are, however, entirely self-subsistent and independent of one another. The right, therefore, does not really obtain among them. They may, therefore, arbitrarily violate contracts and must consequently maintain an attitude of distrust of one another. As natural existences they stand in a relation of force to one another; so that each itself must maintain itself in its right or secure the right for itself; and hence they become involved in war with one another.

SECTION II.

THEORY OF DUTIES; OR MORALS.

[THEORY OF DUTIES. §32. Definition of Duty—*Perfect and Imperfect Duties*. §33. Morality as distinguished from the Right. §34. Disposition—*Man in his Pure Notion and in his Actuality*. §35. The Mandatory Character of Morality. §36. Impulse and its object—*Satisfaction as Agreement of Impulse and its object—Eudaemonism*. §37. This Agreement as Pleasure—*The Contingent and Incidental Character of Pleasure*. §38. Reason as Cancelling the Indefiniteness of mere Pleasure and giving Desire a Worthy Object—*The Office of Reflection here as regards (1) Quantity in Pleasure (2) Quality*. §39. Impulses and Inclinations as referred to the Will—*And as Constituting the Content of Duty*. §40. Classes of Duties. II. DUTIES TO SELF. §41. Two-fold—*Man's Universal or Rational Nature the Governing one*. §42. Theoretical Education—*Variety, Definiteness, Universality in Knowledge—Sense for Objective Fact*. §43. Practical Education—*Moderation, Sobriety*. §44. Vocation to be pursued in a spirit of Freedom—*His Contentment as Conditioned by this*. §45. Demands made by Constancy and Obedience to One's Vocation—*The Giving up of Vanity, Self-conceit and Self-seeking*. §46. Duties to others as Real Duties. §47. Virtue as Natural Morality. §48. Virtue as distinguished from Morality Proper. II. DUTIES TO THE FAMILY. §49. The Family Relation—*The Family as One Substance—Domestic Piety*. §50. The Family One Person. §51. Marriage preëminently a Moral Union. §52. Duties of Members of the Family. III. DUTIES TO THE STATE. §53. The State—Partly independent of the Disposition of its citizens, partly not so. §54. The State as a Higher Moral, as well as Legal, Community. §55. State as the Spiritual Substance of its Citizens. §56. Patriotism as based on the Consciousness of the Absoluteness of the State. §57. Virtues of the Citizens of the Free State. §58. Foundation of State in the Absolute Universal Will. IV. DUTIES TO OTHERS. §59. Duties to Others as (1). Legal, (2) merely Moral Duties. §60. Probity. §61. Veracity. §62. Untruthfulness. §63. Conditions of Truth—Speaking. §64. Calumny and Slander—*Hypocrisy—Necessity of Good Action as well as Good Intention*. §65. The Evil and the Bad in Disposition distinguished. §66. Conditions of Charity. §67. Universal Love to Man—*Friendship*. §68. True Prudence. §69. Prudence in relation to the Inclinations of Others. §70. Courtesy.]

§32. That which may be demanded as right is an *obligation*. *Duty* is anything in so far as it is to be observed upon moral grounds.

Explanation.—The word *duty* is generally employed of legal relations. Legal duties are characterized as *perfect*, moral duties as *imperfect*, because the former are such as must be in general and have an external necessity, whereas moral duties rest upon a subjective will. But the characterization may just as well be reversed since legal duty as such calls for only an external necessity, while the disposition is overlooked or one may even have evil purpose. On the contrary, the moral disposition requires both—rightness of action, which constitutes its content, and the subjective element of disposition, which constitutes its form.

§33. In general the right leaves the disposition out of account. Morality, on the contrary, essentially concerns the disposition, and requires that an action be performed from *respect* to duty. Likewise is legal conduct moral in so far as it has respect to duty as its motive-ground.

§34. *Disposition* is the subjective side of moral action, or the *form* of it. There is in it no content, which, as the real action, is equally essential.

Explanation.—With legal conduct the moral also essentially should be united. But it may be the case that with legal conduct the *disposition* of legality is not united, nay even an immoral disposition may be exist therewith. Legal action is in so far as it occurs from respect for the law at the same time also moral. Legal action—accompanied by the moral disposition—is, of course, primarily, to be practiced; moral action as such can only occur when no legal injunction (no legal obligation) exists. Men willingly act morally or generously and often give rather than fulfill their legal obligations. For in the generous action they give themselves the consciousness of their individual perfection, while in legal action they express the perfect universal that is common to them and all others. Everything real contains two aspects—the true notion

and the reality of this notion, e. g., the notion of the State is the securing and the realization of the right. To the reality belongs the particular organization of the constitution, the relation of the individual powers, etc. To the real man also belong—and that too on his practical side—the notion and the reality of the notion. To the former belongs the pure personality, or abstract freedom, to the latter belongs the particular nature of this existence and the existence itself. There is, of course, contained in this something more than in the notion, but it must be determined according to and by that. The pure notion of the practical existence, i. e., the ego, is the subject of right.

§35. The moral form of action relates to man not as an abstract person but in the universal and necessary characteristics of his *particular existence*. It is, therefore, not merely prohibitory, as is the legal injunction proper, which merely commands him to leave the freedom of others unviolated, but *commands* him to perform *positive* acts towards others. The prescripts of morality concern the individual reality.

§36. Man's impulse, on the side of his particular existence as morals consider it, has in view the agreement of the external in general with his inner attributes, i. e., *pleasure and happiness*.

Explanation.—Man has impulses, i. e., he has inner attributes in his nature or on that side on which he is a real being in general. These attributes, now, are defective in so far as they are merely internal. They are impulses in so far as they tend to remove this defect, i. e., require their realization, the agreement of the external with the the internal. This agreement is pleasure. Antecedent to this there occurs a reflection or comparison between the internal and external, originating either with myself or by chance. Pleasure,

now, may spring from the most manifold sources. It does not depend upon the content, but relates only to the form, or it is the feeling of what is merely formal, namely, the above-mentioned agreement. The theory which has pleasure or rather happiness as end has been called *Eudæmonism*. But there remains undetermined by it wherein man has to seek pleasure or happiness. Hence there may be a crude, coarse eudæmonism and, equally well, higher ones; that is to say, good as well as evil actions may be grounded upon this principle.

§37. This agreement is as pleasure a *subjective* feeling and something *contingent*, which may accompany this or that impulse and its object and in which I am only as a natural being and only as an *individual* end.

Explanation.—Pleasure is something subjective and concerns me merely as a particular individual. It does not contain the objective, universal, rational. It is therefore no standard or rule by which a thing may be estimated or judged. When I say, It so pleases me, or appeal to my pleasure, I merely say that the case is so or so for me and have thereby canceled all rational relation with others. Pleasure is contingent in content since it may be joined with this or that object; and since it does not concern the content, it is something merely formal. And as to its external existence pleasure is contingent, i. e., as to the discovery of circumstances. The means that I employ therefor are something external and do not depend upon me. Secondly, the existence that I have brought about through the means, must, in so far as it shall give me pleasure, be for me, concern me. But this is the contingent. The consequences of what I do therefore do not return to me. I do not have the enjoyment of them in a necessary manner. Pleasure springs from two sorts of circumstances, (1) from an existence that must be found already in being, which

depends upon a happy chance; and (2) from one that I myself bring into being. This existence, as an effect of my deed, does, it is true, depend upon my will, but only the act as such belongs to me, whereas the consequence of it must not necessarily return to me, hence also not the enjoyment of the action. In such an action as that of Decius Mus for his country it is involved that the effect of the action should not return to him as enjoyment. In general, consequences should not be made the *principle of action*. The consequences of an action are contingent, since they are an external existence that depends upon external circumstances or may be destroyed.—Pleasure is a secondary thing, a mere concomitant of the deed. When the substantial factor is realized, pleasure follows, in that one recognizes in his work his own subjectivity. Whoever pursues pleasure seeks himself only in his accidentality. He who is occupied with great works and interests strives to bring the fact-in-itself to realization. He is intent upon the *substantial*, *loses the thought of himself in that*, *forgets himself in the fact*. Men of great interests and labors are usually regarded with pity by people at large, as having small pleasure, i. e., as living only in the fact not in their accidentality.

§38. *Reason* cancels the ~~indefiniteness that agreeable feeling has~~ in relation to objects, rids the content of the impulses of subjectivity and contingency, and teaches, in respect to the content, the knowledge of the universal and *essential in what is desire-worthy*, and, in respect to the form, or the disposition, the objective, or *action for the sake of the fact itself*.

Explanation.—First, understanding, or reflection, transcends the immediate pleasure, not altering, however, the end or principle. It in so far transcends merely *individual* pleasure, compares the impulses with one another and can so make a choice among

them. When it is not concerned with pleasure merely as individual but as a whole, it aims at happiness. But this reflection is bounded by the subjective principle and has still as end pleasure; only, the greater and more manifold pleasure. When it makes distinctions in pleasure and seeks the agreeable in all the various directions, it *refines* the rude, wild and merely animal in pleasure and softens the morals and dispositions in general. In so far therefore as the understanding occupies itself with means of satisfying needs in general, it facilitates this satisfaction and thereby secures the possibility of devoting itself to higher ends. On the other hand, the refinement of pleasures makes man less robust. When he employs his powers upon so many different objects and forms for himself so manifold ends which through the differentiation of their various sides become ever narrower, his power in general is weakened for applying himself to the essential with his entire mind. If man make pleasure his end, he by this reflection destroys the impulse to transcend this and to do something higher.—Pleasure is undetermined as regards content, since it may be found in all objects. No objective distinction, therefore, may be made in it, only a *qualitative* one. The understanding, reckoning the consequences, prefers the greater to the less. Reason, on the contrary, makes a *qualitative* distinction, i. e., a distinction as regards the content. It prefers the worthy to the unworthy. It therefore enters into a *comparison of the nature of objects*. In so far it no longer considers the subjective as such, i. e., the agreeable feeling, but the objective. It teaches, therefore what sort of objects man has to desire for their own sakes. In man, to whom by virtue of his universal nature so infinitely manifold sources of pleasure are accessible, the tendency towards the agreeable is in general delusive, and he allows himself to be easily distracted by this manifoldness, i. e., diverted from an end which he should make his vocation. *The impulse of the agreeable*

may agree with reason, in that both have the same content, that reason *legitimizes* the content. As regards form, impulse acts for the sake of subjective feeling, or has the pleasure of the subject for its end. In action for a universal object the object itself is the end. The impulse of the agreeable is, on the contrary, always self-seeking.

§39. (1) In themselves considered the impulses and inclinations are neither good nor bad, i. e., they are attributes of man immediately as a natural being. (2) Good and evil are moral distinctions and concern the will. The good is that which corresponds with reason. (3) Impulses and inclinations cannot, however be considered without relation to the will. This relation is not contingent and man is not an equivocal duality.

Explanation.—Morality has as its object man in his particularity. This particularity appears primarily to contain only a manifoldness, difference, by which men are distinguished from one another. But that by which men are distinguished from one another is the contingent, that which is dependent upon nature and external circumstances. But in the particular there is contained also something universal. The particularity of man consists in his relations to others. In this relation, now, are contained also essential and necessary determinations. These constitute the content of duty.

§40. Man (1) has the essential attribute of being an individual, (2) belongs to a natural whole, the family, and (3) is a member of the State, (4) stands in relation to other men in general. Duties accordingly divide themselves into four classes: Duties (1) to Self, (2) to the Family, (3) to the State, (4) to other men in general.

I. DUTIES TO SELF.

§41. Man as an individual is related to himself. He has the two sides of *particularity* and *universality*. His duty to himself is hence, partly, his *physical preservation*, and partly the elevation of his individual to his universal nature, self-culture.

Explanation.—Man is on one hand a natural being. As such he acts from arbitrary will and contingency, is a variable, subjective being. He does not distinguish the essential from the non-essential. On the other hand, he is a spiritual, rational being. On this side *he is not* by nature *what he should be*. The animal needs no culture, for it is by nature what it should be. It is merely a natural being. But man must bring the two sides of his being into agreement, must make his individuality harmonize with his rational side, or make the latter the ruling part. It is lack of culture when, for example, a man surrenders himself to his anger and blindly acts according to this passion, for he thereby treats an offence or injury as an infinite offence and seeks to recompense it by an injury to the offender or other objects, without measure or end. It is lack of culture when one asserts an *interest* that does not concern him at all, or asserts an interest where he can effectuate nothing by his activity; because one cannot reasonably make a thing an interest except where one accomplishes something by his activity. Further, when one becomes *impatient* at the events of destiny, one treats his particular interest as an affair of the highest moment, as something by which men and events should have been controlled.

§42. To *theoretical culture* belongs, besides variety and definiteness of knowledge and universality of the point of view from which things are to be judged, the sense for objects in their free independence, without subjective interest.

Explanation.—*Variety of knowledge* is in and for itself a part of culture because man thereby lifts himself out of the particular knowledge of trivial things surrounding him to a universal knowledge by which he attains to a greater community of knowledge with other men, comes into possession of objects of *universal interest*. In transcending the immediately known and experienced, man learns that there are also other and better ways of acting and doing, that his own way is not the only necessary one. He alienates himself from himself and arrives at the discernment of the essential and the non-essential. *Definiteness of knowledge* relates to the essential difference in it, the differences that belong to objects in all circumstances. To culture there is requisite a judgment upon the relations and objects of reality. For this, it is necessary that man know what is imported by the nature and the end of a thing and of the relations of one to another. These points of view are not immediately given by perception but by occupation with fact, by reflection upon its end and essence, and upon the means, as regards how far they may or may not attain the end and essence. The uncultured man sticks fast in immediate perception. His eyes are unopened and he sees not what lies at his feet. This is merely a subjective seeing and conceiving. He does not apprehend fact. He knows only approximately the nature of the fact and that not all rightly, because only the knowledge of universal points of view conducts to what must be regarded as essential, or because this knowledge is already the principal part of the fact itself, already contains the chief compartments, so to say, of it, into which the external existence may be inserted, the comprehension of the fact itself thus being rendered easier and more correct. The opposite of this inability to judge at all, is the judging hastily of everything, without understanding it. Such hasty judgment is a consequence of one's embracing a partial point of view and thus overlooking the true notion of the fact,

which comprehends all other points of view together with this one. A man of culture knows the *limits of his faculty of judgment*. There is further essential to culture the sense of the *objective in its freedom*. In this it is implied that I do not seek to discover my particular subjectivity in the object but view and treat objects as they are in and for themselves, in their free individuality, that I have an interest in them unconnected with any private advantage. Such disinterested interest is found in the *study of the sciences* if, that is, one cultivates them for themselves merely. The desire to extract from the objects of nature advantage is associated with their destruction. Interest in *fine art* is also an unselfish interest. Fine art represents things in their living independence and rids them of the poverty and abortiveness to which they are subject through external circumstances. Objectivity of *action* consists in this, that (1) action, even on its indifferent side, has the *form of the universal*, is without arbitrary will, whim, caprice, is free of what is merely particular, etc., (2) is, on its inner, essential side, the objective, and, if one has the *real fact itself* as his end without self-interest.

§43. To *practical* culture it is requisite that man should in the satisfaction of his natural wants and impulses, use that sobriety and moderation which lie within the limits of its necessity, namely, self-preservation. He must (1) get *out of* the natural, be free from it, (2) and on the contrary, become absorbed in his vocation, which is the essential thing, and so (3) not only restrict the satisfaction of the natural within the limits of necessity, but also be capable of *sacrificing it* to higher duties.

Explanation.—The freedom of man from natural impulses does not consist in *his not having any*, hence not in his striving to get away from his nature, but in his recognizing them in general as necessary and hence

rational, and accordingly in supplementing them with his will. He therein finds himself constrained only in so far as he forms for himself contingent and arbitrary fancies and purposes as opposed to what is universal. Definite, exact measure in the satisfaction of wants and in the use of the physical and mental powers can not be precisely assigned, but every one may know what is beneficial or injurious to himself. Moderation in the satisfaction of natural impulses and in the use of bodily powers is in general necessary for the sake of *health*, for this is an essential condition to the use of the mental powers for the fulfilment of the higher vocation of man. If the body is not maintained in its normal condition and becomes impaired in its functions, it must be made the end of his occupation, whence *it becomes a menace and a thing of overconcern for the mind*. Further, the overstepping of measure in the use of the physical and mental powers, through either 'too much' or 'too little' has as consequence the blunting and weakening of them. Finally, moderation is combined with *sobriety*. This latter consists in the consciousness of what one does, in one's governing himself, in enjoyment or in labor, by reflection, and hence in not abandoning himself wholly to any individual condition but remaining open for the consideration of others which also may yet be necessary. In sobriety one gets outside his condition, sensation, or occupation into the region of spirit. The state of not being entirely immersed in one's condition is in general requisite in relation to what are, it is true, necessary, though not on that account essential, impulses and ends. On the contrary, in relation to a true end or occupation the mind must be present with its entire interest, and cannot be *at the same time outside of* that end or occupation. Sobriety consists in one's keeping all circumstances and sides of one's work before one's eyes.

§44. As regards a definite *vocation*, which appears

as a *fate*, the form of an external necessity is to be canceled in it. It is to be chosen with freedom, and with freedom is to be embraced and pursued.

Explanation.—One must, as relates to the external circumstances of fate and of all that he immediately *is*, so act that he make them his *own*, that he rid them of the form of an external existence. It matters not in what external condition one has been placed by fate if one *is rightly that which* he is, i. e., if one fulfills all sides of his vocation. A professional vocation is a thing of many sides. It is, as it were, a stuff or material which one must elaborate in all directions so that it contain nothing heterogeneous, unpliant, and refractory. In so far as I have myself made it perfectly my own am I free in it. Man's *discontent* is chiefly caused by *non-fulfillment of his vocation*. He creates for himself a relation that he does not occupy truly as his own. At the same time, he belongs to a certain profession. He cannot release himself from it. He lives and acts therefore in a discordant relation with himself.

§45. *Constancy and obedience* in one's vocation as well as *obedience in spirit to fate*, and *self-forgetfulness* in one's action have as a basis the discarding of all vanity, self-conceit, self-seeking, for that which is absolute and necessary.

Explanation.—The vocation is something universal and necessary and constitutes one side of social human life. It is thus a *part of the entire work of man*. If a man has a vocation, he enters into participation and coöperation in the universal. He thereby becomes something objective. The vocation is, it is true, an individual, limited sphere, but it nevertheless constitutes a necessary member of the whole and is also *in itself in turn a whole*. (If a *man* is to be anything, he must know how to limit himself, i. e., must make his vocation his whole and sole affair. Then it

is no limit for him. He is then at one with himself, with his externality, his sphere. He is a universal, a whole. If a man make a *vain*, i. e., nonessential, null thing an end to himself, there lies at the basis of his choice an interest not in a general truth but in his particular affair. The vain is not something subsisting in and by itself but only through the subject. A man sees in it only himself; *moral vanity*, for example, can exist only if a man is in his action conscious of his excellence and has more interest in himself than in objective truth. The man who is faithful in the performance of small matters of business shows himself capable of greater because he has shown *obedience*, a renunciation of his desires, inclinations, and fancies.

§46. Through intellectual and moral culture man acquires the capacity to fulfill his *duties to others*, which may be termed *real* duties, while the duties relating to culture are rather of a *formal* nature.

§47. In so far as the fulfillment of duties appears rather as the subjective property of an individual and belongs rather to his natural character, it is *virtue*.

§48. Since virtue in part coincides with the natural character, it appears as morality of a definite kind and of greater life and intensity. It is at same time less closely joined with the consciousness of duty than is morality proper.

II. FAMILY DUTIES.

§49. In culture man has the possibility of moral action. In so far as he really acts he is necessarily in relation with other men. The first necessary relation in which the individual enters with others is

the *family relation*. He has also a legal side but this is subordinate to moral disposition, love and confidence.

Explanation.—The family constitutes essentially only one substance, only one person. The members of the family are *not persons* in relation to one another. They enter into such a relation only in so far as through misfortune the moral bond is dissolved. Among the ancients the disposition of family love, action in the spirit of it, was called *pietas*. Piety has in common with devoutness, which is also designated by this term, that it presupposes an *absolute* bond, the unity that exists in and for itself, in a spiritual substance, a bond that is not formed by particular arbitrary will or accident.

§50. This disposition consists, more precisely, not in every member of the family having his essence in his own person but in that the whole of the family constitutes its personality.

§51. The union of persons of opposite sex, which is *marriage*, is essentially neither merely *natural*, animal union nor mere *civil contract*, but a ~~moral~~ union of disposition in reciprocal love and confidence which ~~makes them~~ one person.

§52. The duty of *parents towards children* is, to care for their *maintenance* and *education*; that of the *children* to *obey* until they become self-dependent, and to honor them throughout their entire lives; that of *children of the same parents* to behave towards one another with love and perfect equity.

III. DUTIES TO THE STATE.

§53. The natural whole constituted by the family expands to the whole of a people and state, in

which the individuals have of themselves an independent will.

Explanation.—The state tends to ignore the disposition of the citizens, in so far, that is to say, as it must make itself independent of the will of individuals. It prescribes to the individual precisely his obligations, namely, the share which he must sustain for the whole. The individual cannot throw himself upon mere disposition because that may or may not be selfish and opposed to the interest of the state. In this way the state becomes a *machine*, a system of external dependencies. On the other hand, the disposition of the citizens can not be ignored. The prescriptions of the government contain merely the universal. The real action, the actual fulfillment of the end of the state, contains the particular manner of the activity. This can originate only with the individual understanding, the disposition of a man.

§54. The state comprehends society not merely under legal relations, but conditions, as a truly higher moral common life, unity in morals, culture and universal mode of thought and action (since each individual beholds and recognizes in a spiritual manner his universality, in every other.)

§55. In the spirit of a people every individual citizen has his spiritual substance. Not only is the preservation of the individual dependent upon the preservation of this vital whole, but this whole constitutes the universal nature in the essence of the individual as distinguished from his individuality. The preservation of *the whole takes precedence of that of the individual*;—and all should in disposition acknowledge this.

§56. Considered merely on the legal side, in so far as the state protects the private rights of the

individual, and the individual looks primarily to his own welfare, there is, of course, possible a sacrifice of a part of the property for the preservation of the rest. *Patriotism*, however, rests not upon this consideration but upon the consciousness of the *absoluteness of the state*. This disposition to sacrifice property and life for the whole is the greater in a people the more the *individuals* can act for the whole with their *own will* and self-activity, and the greater the confidence that they have in the whole. (The beautiful patriotism of the Greeks. Distinction between citizens as *bourgeois* and as *citoyen*.)

§57. The disposition of obedience to the commands of the government, of *loyalty* to the person of the prince and to the constitution, and the feeling of the national honor are the virtues of the citizen of every well regulated state.

§58. The state does not rest upon an express *contract* of one with all or of all with one, or of the individual and the government with one another; and the universal will of the whole is not the expressed will of the individuals, but is the absolutely universal will which is in and for itself binding upon the individuals.

IV. DUTIES TOWARDS OTHERS.

§59. Duties towards others are, first, legal duties which must be accompanied by the disposition to do the right [or legal] for the right's sake. The other of these duties depend upon the disposition to treat others not merely as abstract persons but as equal to self also in their particularity, to regard their

weal and woe as one's own and to show this by active assistance.

§60. The moral modes of thinking and acting transcend the right. But *probity*, the observation of strict duties towards others, is the first duty, and must be presupposed to the rest. But there may be noble and magnanimous actions that are without probity. They have their ground in self-love and in the consciousness of having done something particular, whereas what probity demands is required of all, is not arbitrary duty.

§61. Among the particular duties to others the first is *veracity* in speech and action. It consists in the equivalence of that which is and of which one is conscious with that which one expresses and manifests to others. Untruthfulness is the inequality and the contradiction of the consciousness and of that which one is outwardly to others, hence of his inner state and of his actuality; it is thereby in itself nullity.

§62. A chief kind of untruthfulness occurs when that which one means is given out as a good intention or disposition while what one does is something evil. (This inequivalence between the disposition and what the action in itself is would at least be a case of ineptitude, but in so far as the doer is a subject of guilt, he who does evil must be regarded as also meaning it.)

§63. It presupposes a particular relation that any one have the right to speak the truth regarding his conduct. If one does this without having the right, one is in so far untrue that one sets up a relation to the other which has no reality.

Explanation.—On the one hand, it is the first of all things necessary to *speak the truth* in so far as one knows it to be true. It is ignoble not to speak truth when it is proper to speak it, because one thereby degrades himself before himself and others. But one should also *not speak the truth* if one has no occasion to do so or no right even. When one speaks the truth merely for his own advantage, without ulterior effect, it is at least a *superfluity*, for the important thing in that case is, not that I have *said* the desirable thing, but that it has been brought about. Mere speech is not the deed or action, which is something higher. The truth is spoken in the right *place* and at the right *time* if it serve to bring the ideal reality to pass. Speech is an astonishingly powerful means, but there is required a great understanding to employ it rightly.

§64. Akin to the *calumny* that a *real* lie is, is *slander*, the repeating of things that are unfavorable to the honor of a third person and are not absolutely known to the one reporting them. This usually occurs in hostile zeal regarding immoral actions; it also being added to the reports that one cannot allege them with certainty, and would rather that they be not repeated. But it is in the latter case, combined with the *dishonesty* of circulating of the very reports that one professes to wish not to have circulated, and, in the former case, with the *hypocrisy* of wishing to speak morally and really acting basely.

Explanation.—Hypocrisy consists in men's acting basely but giving out the appearance to others of having a good intention, of meaning to do a good act. The external action is, however, not to be distinguished from the internal. In an evil deed the intention also has been essentially evil and not good. It may, however, be the case therein that one had in view some-

thing in itself good or at least permissible. But one cannot in that case wish to make what is in and for itself evil a means to something good. *The end or the intention does not justify the means.* The moral principle concerns preëminently the disposition or the intention. But it is just as essential that not only the intention *but also the action be good.* Likewise one must not persuade himself that in ordinary life he has weighty, excellent intentions. As, now, man is prone to attribute to his actions good intentions and seeks to magnify by reflection his in themselves unimportant actions, so it happens, conversely, as regards others that he will through some selfish intention attribute to their great or at least good actions an evil character.

§65. The disposition *willingly* and *wittingly* to injure others is *evil* (*böse*). The disposition that permits out of weakness towards inclination, one to violate duties towards others, and towards self, is *bad* (*schlecht*.)

Explanation.—To the good stand opposed the evil and also the bad. The evil implies an act of the will. It thus contains in addition to what the bad contains the formal element of a strength of will, which is also a condition of the good. The bad is, on the contrary, merely the willess. The bad person follows his inclination and thereby neglects duties. To the bad person it would also be right if the duties were fulfilled, only he has not the will to master his inclinations or habits.

§66. What *services* we have to render or may render to other men depends upon the contingent relations in which we stand with them and upon the particular circumstances in which we find ourselves. If we are in a *condition* to render another a service we have only to consider the fact of his being a *man* and his *need*.

Explanation.—The first requisite to affording assistance to others consists in our having the right to do so,

namely, to regard then as needy and to act towards them accordingly. The assistance must be given with their consent. This presupposes a certain familiarity or intimacy. The needy person is as such unlike one who is not needy. It therefore depends upon his will whether he will appear as a *needy person*. He will do this if he be convinced that I regard and trust him, in spite of this inequality, as my equal. But, secondly, I must have in my possession the means of assisting him. Finally, there may even be cases in which his need is manifest, and therein is contained the declaration, as it were, that I will assist him.

§67. The duty of *universal love to man* refers more nearly to those with whom we stand in relations of acquaintance and friendship. The original unity of man must be voluntarily transformed into such narrower unions as the more definite duties originate in. (*Friendship* rests upon likeness of character, especially of interest in the performance of a work in common, not upon the pleasure of one person in another as such. One must incommode his friends as little as possible. To require of friends no performance of service whatever is a very nice point attained. One must not spare himself trouble, to impose it upon others.)

§68. The duty of *prudence* appears primarily as a duty towards self in one's relations to others, in so far as self-advantage is the end. The *true self-advantage*, however, is obtained through moral conduct, which, therefore, is true prudence. But it is also involved therein that in relation to moral behavior one's own advantage may be a consequence, but is not to be regarded as end.

§69. In so far as one's own advantage does not

lie immediately in moral behavior but depends upon the particular and, on the whole, accidental good will of others, one is in the sphere of the mere favorable inclination of one towards another; and prudence consists in the not violating the inclinations of others and gaining them for one self. But even in this respect that which produces advantage is also that which belongs to self in and of itself, namely, the leaving others free as to that wherein we have neither obligation nor right to molest them, and by our behavior winning their favorable inclination.

§70. *Courtesy* is the expression of friendly disposition and the performance of services chiefly towards those with whom we do not yet stand in a close relation of familiarity or friendship. It is *falsehood* if this expression is joined with opposite dispositions. True courtesy is, however, to be looked upon as a duty because we should in general have friendly dispositions towards one another in order to open, by the expression of these, the way to closer relations with them. (A service, a kindness, anything agreeable rendered to a stranger is courtesy. But we should render the same also to an acquaintance or friend. Towards strangers and those with whom we do not stand in closer relations the *appearance* of this well-wishing, and merely that, is all that is necessary. *Politeness, delicatessen*, consists in doing or saying nothing that the relation does not admit of.—Grecian humanity and urbanity in Socrates and Plato.)

SECTION III.

THEORY OF RELIGION.

[SECTION III. THEORY OF RELIGION. §71. The Moral Law as the Eternal Reason in Us—Disparateness of our Individuality and This Reason. §72. Belief as the Immediate Knowledge of the Absolute Essence. §73. Knowledge of the Absolute not dependent on Demonstration. §75. Religion. §76. God. §77. Attributes of God. §78. Evil as Alienation from God. §79. The Reconciliation of God with the World. §80. Service of God.]

§71. The moral law in us is the *eternal law of reason*, which we must irresistibly respect and by which we feel ourselves indissolubly bound. But just as immediately do we perceive the *incommensurateness* of our individuality with it, recognize it as higher than ourselves, as an essence independent of us, self-subsisting, absolute.

§72. This absolute essence is present in our pure consciousness and reveals itself to us therein. The knowledge of it as produced in us by it, is immediate for us and may, in so far, be termed *faith*.

§73. Elevation above the sensible and finite constitutes negatively, it is true, on our part the production of this knowledge, but only in so far as the sensible and finite has been at the same time forsaken and recognized in its nullity. But this *knowledge of the absolute* is itself an *absolute* and immediate knowledge and can not have anything finite as its positive ground nor be produced by something not itself, as a demonstration.

§74. This knowledge must determine itself more nearly; it must not remain inner feeling, belief in the indefinite essence in general, but become a real

apprehension of the same. The real apprehension of God is not above reason for reason is only a reflection of God and essentially a knowledge of the absolute; but that apprehension is above the mere understanding, the knowledge of the finite and the relative.

§75. *Religion* itself consists in the occupation of feeling and thought with the absolute essence and in the realizing of the idea of it; with which are necessarily joined *self-forgetfulness* of one's particularity in this exaltation, and action, in the spirit of this, with a regard to the absolute essence.

§76. *God is the absolute spirit*, i. e., He is the pure essence that makes itself its object, but therein beholds only itself; or in its becoming-other returns absolutely to itself and is identical with itself.

§77. God viewed as to the moments of His being is (1) absolutely *holy*, in so far as He is the absolutely in itself universal essence. He is (2) absolute *power*, in so far as He realizes the universal and maintains the individual in the universal, or is the eternal *creator of the universe*. He is (3) *wisdom* in so far as His power is holy power alone; (4) *goodness* in so far as He preserves the individual in its reality and (5) *justice* in so far as He eternally restores it to the universal.

§78. *Evil* is alienation from God in so far as the individual in his freedom separates himself from the universal and strives in seclusion from that to be absolute in himself. In so far as it is the nature of the finite free being to reflect itself in this individuality, it is to be viewed as evil.

‡79. But the freedom of the individual being is at the same time in itself an identity of this being with itself, or it is in itself of divine nature. This apprehension that the human nature is not something really alien to the divine nature assures man of the divine *grace* and makes him accept it, whereby the *reconciliation* of God with the world, or the disappearance of its alienation from God, occurs.

‡80. The *service of God* is the definite occupation of thought and sensibility with God, whereby the individual strives to accomplish his unity with Him, and to give himself the consciousness and assurance of this unity—an agreement of his will with the divine will which he shall demonstrate by the disposition and outward conduct of his actual life.





G. W. F. HEGEL'S

THEORY OF RIGHT, DUTIES AND
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TRANSLATION, WITH A SUPPLEMENTARY ESSAY ON
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